

AGENDA

BOARD OF MAYOR AND ALDERMEN

December 4, 2007

7:30 PM

**Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Guinta calls the meeting to order.
2. The Clerk calls the roll.

CONSENT AGENDA

3. Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Pole Petitions – to be approved under the direct supervision of the Department of Highways

- A. PSNH Pole Petition #11-1181 located on Union Street.

Informational – to be Received and Filed

- B. Official results of the Non-Partisan Municipal General Election held on November 6, 2007 submitted by Leo R. Bernier, City Clerk.
Ladies and Gentlemen, what is your pleasure?
- C. Manchester Health Department Monthly Report Summary, November 2007.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- D. Communication from Leo R. Bernier, City Clerk, submitting a draft ordinance providing for changes in salaries for the Mayor and members of the Board of Aldermen and School Committee to become effective July 1, 2008 if adopted by the Board.

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- E. Recommending that Ordinance Amendment:
“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and lost chip fee.”

ought to pass.

(Unanimous vote.)

- F. Recommending that Zoning Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

ought to pass.

(Unanimous vote with the exception of Alderman Gatsas who was opposed.)

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA,
A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE
APPROVED.**

4. Nominations to be presented by Mayor Guinta,. if available.
5. Confirmation of the nomination of Crystal Nadeau to succeed Peter Ramsey (term limit) as a member of the Arts Committee, term to expire December 1, 2010.
A motion is in order to confirm the nomination as presented.
6. Confirmation of the nomination of James Dunphy to succeed Phillip M. Stone (deceased) as a member of the Board of Trustees of Trust Funds, term to expire January 2011.
A motion is in order to confirm the nomination as presented.
7. Confirmation of the nomination of A. Joseph Dion to succeed Harold Sullivan (resignation) as an alternate member of the Planning Board, term to expire May 1, 2008.
A motion is in order to confirm the nomination as presented.
8. Confirmation of the nomination of Michael Skelton to succeed Craig Smith (resignation) as a member of the Safety Review Board, term to expire March 15, 2009.
A motion is in order to confirm the nomination as presented.

OTHER BUSINESS

9. Report of the Committee on Public Safety, Health and Traffic regarding closure of streets for activities relating to the Presidential Primary in January 2008.
Ladies and Gentlemen, what is your pleasure?
10. Communication from Leo R. Bernier, City Clerk, requesting the Board set the polling hours for the State of NH Presidential Primary Election scheduled for Tuesday, January 8, 2008, from 6:00 AM until 7:00 PM.
Ladies and Gentlemen, what is your pleasure?

11. Community Revitalization Tax Relief Incentive Application submitted by Max Pruna for property located at 30 Amherst Street (aka Map 4, Lot 9).
A motion is in order that the application be referred to a public hearing to be held on Tuesday, December 18, 2007 at 5:30 PM in the Aldermanic Chambers of City Hall.
12. Communication from Gerard Fleury, Executive Director of the MECRS, seeking the Board's support of five housekeeping measures for a single piece of legislation in the 2008 legislative session.
Ladies and Gentlemen, what is your pleasure?

TABLED ITEMS

A motion is in order to remove any of the following items from the table for discussion.

13. Report of the Committee on Bills on Second Reading recommending that Ordinance:
 "Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16."
ought to pass.
(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)
14. Report of the Committee on Bills on Second Reading recommending that Ordinance:
 "Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin's Cemetery."
ought to pass.
(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)

15. Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.
(Unanimous vote)
(Tabled 05/15/2007. Additional materials provided by Finance enclosed.)

16. A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”
be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)
(Tabled 06/05/2007)

A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

S/Alderman Lopez

(Tabled 06/05/2007)

(Note: additional communications from Alderman Garrity and petitions enclosed.)

17. Report of the Committee on Human Resources/Insurance advising that it has approved the reclassification of the Legislative Assistant (Grade 16) position in the Highway Department to Purchasing Assistant (Grade 12) and for such purpose recommends that the related ordinance be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman Garrity who was absent.)

(Tabled 11/07/2007)

18. NEW BUSINESS

- a) Communications
- b) Aldermen

19. there is no further business, a motion is in order to adjourn.

CITY OF MANCHESTER, NH
PETITION FOR POLE LOCATION LICENSE

POLE LOCATION
FORM NO. 1

November 7, 2007

*To the Hon. Board of Mayor and Aldermen
of the City of Manchester, New Hampshire:*

**PUBLIC SERVICE OF NEW HAMPSHIRE
&
VERIZON NEW ENGLAND, INC.**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across, and under the following public ways:

License one (1) pole, 124/13Y located on Union Street in the City of Manchester.

Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with sustaining, strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked "POLE LOCATION PLAN, PUBLIC SERVICE OF NEW HAMPSHIRE and VERIZON NEW ENGLAND".

Plan No. 11-1181
Dated: 11/2/2007

PUBLIC SERVICE OF NEW HAMPSHIRE

BY: 
Licensing Specialist

VERIZON NEW ENGLAND, INC.

BY: 
Right of Way Department

A



CITY OF MANCHESTER OFFICIAL RESULTS NON-PARTISAN MUNICIPAL GENERAL ELECTION NOVEMBER 6, 2007

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
MAYOR													
Thomas "Tom" Donovan	1377	929	477	688	475	812	663	843	703	821	498	608	8894
Frank C. Guinta*	1526	967	496	620	487	1181	782	1100	910	979	556	777	10381
TOTALS	2903	1896	973	1308	962	1993	1445	1943	1613	1800	1054	1385	19275

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
WELFARE COMMISSIONER													
Carlos Gonzalez	821	507	279	298	245	458	308	418	321	522	274	423	4874
Paul R. R. Martineau*	1662	1142	586	883	629	1307	1013	1304	1157	1128	694	837	12342
TOTALS	2483	1649	865	1181	874	1765	1321	1722	1478	1650	968	1260	17216

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
ALDERMEN AT-LARGE													
Jerome Duval	1249	792	378	716	339	708	529	681	550	774	412	609	7737
Michael "Mike" Lopez*	1094	800	443	484	434	853	629	829	766	880	533	606	8351
Daniel P. O'Neil*	1250	838	406	576	425	917	722	926	755	714	349	496	8374
Christine Pariseau Telge	951	567	299	323	286	627	401	584	446	489	327	418	5718
TOTALS	4544	2997	1526	2099	1484	3105	2281	3020	2517	2857	1621	2129	30180

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
SCHOOL CMTE AT-LARGE													
Wendy L. Garrity	842	549	307	386	280	568	524	556	731	600	305	391	6039
Kathleen M. Kelley*	1281	860	432	678	469	967	611	791	658	833	474	643	8697
Debra Gagnon Langton*	1207	873	369	576	401	830	627	909	687	718	450	578	8225
Michael "Mike" J. Reuschel	547	389	240	295	210	469	364	491	334	383	251	297	4270
TOTALS	3877	2671	1348	1935	1360	2834	2126	2747	2410	2534	1480	1909	27231

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
QUESTION 1 - LIABILITY INSURANCE													
Yes*	2394	1468	699	977	711	1633	1108	1566	1267	1406	768	1022	15019
No	347	286	222	251	172	264	220	276	249	274	204	257	3022
TOTALS	2741	1754	921	1228	883	1897	1328	1842	1516	1680	972	1279	18041

*Denotes Winner of Race

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RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
QUESTION 2 - CHARTER AMENDMENT													
Yes*	1507	923	488	594	428	986	650	896	785	818	423	635	9133
No	898	625	301	487	350	690	550	738	584	639	420	473	6755
TOTALS	2405	1548	789	1081	778	1676	1200	1634	1369	1457	843	1108	15888

RACE	WARD 1	WARD 2	WARD 3	WARD 4	WARD 5	WARD 6	WARD 7	WARD 8	WARD 9	WARD 10	WARD 11	WARD 12	TOTAL
QUESTION 3 - HALFWAY HOUSE													
Yes*	1849	1180	565	749	574	1328	877	1282	1020	1136	606	832	11998
No	862	560	340	455	304	541	434	541	480	523	340	413	5793
TOTALS	2711	1740	905	1204	878	1869	1311	1823	1500	1659	946	1245	17791

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*Denotes Winner of Race



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

MAYOR		GRAND TOTALS
THOMAS "TOM" DONOVAN		8894
FRANK C. GUINTA*		10381

WELFARE COMMISSIONER		GRAND TOTALS
CARLOS GONZALEZ		4874
PAUL R. R. MARTINEAU*		12342

ALDERMEN AT-LARGE		GRAND TOTALS
JEROME DUVAL		7737
MICHAEL "MIKE" LOPEZ*		8351
DANIEL P. O'NEIL*		8374
CHRISTINE PARISEAU TELGE		5718

SCHOOL COMMITTEE AT-LAR		GRAND TOTALS
WENDY L. GARRITY		6039
KATHLEEN M. KELLEY*		8697
DEBRA GAGNON LANGTON*		8225
MICHAEL "MIKE" J. REUSCHEL		4270

QUESTION 1 - LIABILITY INS.		GRAND TOTALS
YES*		15019
NO		3022

QUESTION 2 - CHARTER AMEI		GRAND TOTALS
YES*		9133
NO		6755

QUESTION 3 - HALF WAY HOU		GRAND TOTALS
YES*		11998
NO		5793

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD ONE

ALDERMEN	GRAND TOTALS
JANICE L. HIGGINS	898
MARK E. ROY*	1690

WARD CLERK	GRAND TOTALS
DIANNE D. BEATON*	1321
ANDREA M. COFFMAN	610

MODERATOR	GRAND TOTALS
JUSTIN GAMACHE*	1725

SELECTMEN	GRAND TOTALS
PAUL ALLARD*	1144
JOCELYNE D. CHAMPAGNE*	1073
KAREN SHEEHAN LORD*	1217
RICHARD H. THORNGREN	467
JAMES E. TOWNSEND	1027

SCHOOL COMMITTEE	GRAND TOTALS
JOYCE CRAIG*	1759
JEAN ESSLINGER	1030

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD TWO

ALDERMEN	GRAND TOTALS
THEODORE GATSAS*	1461

WARD CLERK	GRAND TOTALS
NICHOLL MARSHALL*	694
WILLIAM R. WHITMORE	576

MODERATOR	GRAND TOTALS
PETE ESCALERA	481
WINFRED HUTCHINSON*	825

SELECTMEN	GRAND TOTALS
WAYNE P. JOHNSON*	806
JAMES M. MUSHENO	296
SANDRA SMITH*	841
PHILIP C. THERRIEN	647
BEATRICE P. VARKAS*	712

SCHOOL COMMITTEE	GRAND TOTALS
ROBERT J. LEONARD	740
ROBERT G. O'SULLIVAN*	901

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD THREE

ALDERMEN	GRAND TOTALS	RECOUNT 11/19/07
PATRICK LONG	445	448
PETER M. SULLIVAN*	460	461

WARD CLERK	GRAND TOTALS
ROBERT M. BUCHHOLZ	234
MARION G. RUSSELL*	492

MODERATOR	GRAND TOTALS
TRACIE A. BUCKLEY*	432
EDWARD A. RUSSELL, JR.	292

SELECTMEN	GRAND TOTALS	RECOUNT 11/19/07
CHARLES BURNS*	354	356
ROBERT M. FREMEAU*	362	360
JEAN L. JEUDY*	390	391
KEITH LUCIER	245	242
EDWARD A. RUSSELL, JR.	349	350

SCHOOL COMMITTEE	GRAND TOTALS
JENNIFER PEABODY*	466
SEUMAS REGAN	342

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD FOUR

ALDERMAN	GRAND TOTALS
LEO P. PEPINO	592
"JIM" ROY*	659

WARD CLERK	GRAND TOTALS
WILLIAM M. CRAIG*	980

MODERATOR	GRAND TOTALS
PATRICIA "PAT" MARTIN*	755
FRANK WEAVER	263

SELECTMEN	GRAND TOTALS
LLOYD G. BASINOW	445
MARGARET LEUZARDER*	473
NICKOLAS J. LEVASSEUR*	551
SCOTT W. NICOLS*	562
MARK ROPER	407

SCHOOL COMMITTEE	GRAND TOTALS
"CHRIS" HERBERT*	693
JEFFREY SULLIVAN	460

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD FIVE

ALDERMAN	GRAND TOTALS
"ED" OSBORNE*	662
ROBERT M. TARR	243

WARD CLERK	GRAND TOTALS
JOSEPH LEO LABBE	272
CATHRYN VAUGHN*	489

MODERATOR	GRAND TOTALS
JEFF MICHELSEN*	624

SELECTMEN	GRAND TOTALS
NORMA GREER CHAMPAGNE*	523
SANDRA PROULX*	522
JOSEPH B. SCULLY, III*	446

SCHOOL COMMITTEE	GRAND TOTALS
KATHERINE M. LABANARIS*	751

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD SIX

ALDERMAN	GRAND TOTALS
REAL R. PINARD*	1087
PAUL PORTER	866

WARD CLERK	GRAND TOTALS
MARTIN "MARTY" F. QUIRK*	1524

MODERATOR	GRAND TOTALS
LOUISE GOSSELIN*	1462

SELECTMEN	GRAND TOTALS
WILLIAM E. COUTURE*	1189
PETER F. DELMASTRO*	1056
LEO VEILLEUX*	1073

SCHOOL COMMITTEE	GRAND TOTALS
CHRISTINE M. INFANTINE	890
DONNA M. SOUCY*	993

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD SEVEN

ALDERMAN	GRAND TOTALS
WILLIAM P. SHEA*	1079
HENRY "HANK" SIMPSON	324

WARD CLERK	GRAND TOTALS
CLAIRE BERUBE*	1170

MODERATOR	GRAND TOTALS
WENDY L. GARRITY*	683
JOSEPH LAFRANCE	524

SELECTMEN	GRAND TOTALS
VIOLETTE BOURNIVAL*	551
RITA BRUNELLE	495
MICHAEL "MIKE" J. REUSCHEL*	577
CLAIRE ROY*	609
CAROL A. WILLIAMS	541

SCHOOL COMMITTEE	GRAND TOTALS
DAVE GELINAS*	1211

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD EIGHT

ALDERMAN	GRAND TOTALS
BETSI DEVRIES*	1099
KEVIN G. VERVILLE	803

WARD CLERK	GRAND TOTALS
D. LYNN LAVIGNE*	1460

MODERATOR (WRITE-IN)	GRAND TOTALS
ALBERTINE MORRISSETTE*	33

SELECTMEN	GRAND TOTALS
RICHARD S. CIECHON*	1039
MICHAEL FARLEY*	1095
ALAN PEDUZZI*	872

SCHOOL COMMITTEE	GRAND TOTALS
THOMAS KATSIANTONIS	619
"DOUG" KRUSE*	1160

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD NINE

ALDERMAN	GRAND TOTALS
MICHAEL D. GARRITY*	1083
JESSE MARTINEAU	464

WARD CLERK	GRAND TOTALS
BRIAN MCCOY*	1250

MODERATOR	GRAND TOTALS
GLORIA PILOTTE*	1286

SELECTMEN	GRAND TOTALS
PAULETTE ASSELIN*	920
DAVID R. LESSARD*	997
DAVE MCCLOSKEY (WRITE-IN)	8

SCHOOL COMMITTEE	GRAND TOTALS
ARTHUR J. BEAUDRY*	1306

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD TEN

ALDERMAN	GRAND TOTALS
PHIL GREAZZO	762
GEORGE W. SMITH*	986

WARD CLERK	GRAND TOTALS
RUTH D. SMITH*	1447

MODERATOR	GRAND TOTALS
MADELEINE ROY*	1391

SELECTMEN	GRAND TOTALS
MARILYN A. CASHIN*	1115
ROBERT W. DUFRESNE*	721
GEORGE KATSIANTONIS	630
CHRISTOPHER R. MESSIER*	1011

SCHOOL COMMITTEE	GRAND TOTALS
JOHN B. AVARD*	866
SEAN MCGORRY	743

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD ELEVEN

ALDERMAN	GRAND TOTALS
RUSSELL OUELLETTE*	616
THOMAS "TOM" M. ROBERT	408

WARD CLERK	GRAND TOTALS
FELICE I. GOUPIL*	839

MODERATOR	GRAND TOTALS
"LEFTY" GODBOIS*	794

SELECTMEN	GRAND TOTALS
MICHAEL BRUNELLE*	578
ROGER J. MAJOR*	563
GERARD "GERRY" PROVENCH	685

SCHOOL COMMITTEE	GRAND TOTALS
STEPHEN H. DOLMAN*	816

* Denotes Winner of Race

B



**CITY OF MANCHESTER OFFICIAL RESULTS
NON-PARTISAN MUNICIPAL GENERAL ELECTION
NOVEMBER 6, 2007**

WARD TWELVE

ALDERMAN	GRAND TOTALS
KELLEIGH DOMAINGUE*	668
KEITH D. HIRSCHMANN	638

WARD CLERK	GRAND TOTALS
LUCILLE M. FOREST*	1038

MODERATOR	GRAND TOTALS
KELLY HURST*	501
SIMONE LAROCHELLE	487

SELECTMEN	GRAND TOTALS
PATRICK J. ARNOLD, JR.	359
GERARD D. BRUNELLE*	451
LORRAINE R. CHARRON*	617
DAVID HURST	300
"DICK" MARSTON	429
KEITH MURPHY*	450

SCHOOL COMMITTEE	GRAND TOTALS
JONATHAN COTE*	688
BERNARD "BJ" PERRY	537

* Denotes Winner of Race

B



MANCHESTER HEALTH DEPARTMENT MONTHLY REPORT SUMMARY, NOVEMBER 2007

ACCREDITATION PREPARATION AND QUALITY IMPROVEMENT

PROGRAM LISTING:

**Arbovirus
Surveillance &
Control**

**Chronic Disease
Prevention**

**Communicable
Disease Control**

**Community
Epidemiology**

Dental Health

**Environmental
Planning and
Pollution Control**

Food Protection

HIV Prevention

**Homeless
Healthcare Project**

Immunizations

**Institutional
Inspections**

**Lead Poisoning
Prevention**

**Public Health
Investigations**

**Public Health
Preparedness**

Refugee Health

School Health

**Sexually
Transmitted
Disease Control**

**Tuberculosis
Control**

Water Quality

**Youth Health
Promotion**

Summary of Program:

The City of Manchester Department of Health (MHD) was selected as one of only ten Local Health Departments across the country to participate as a Demonstration Site for an Accreditation Preparation and Quality Improvement Project led by the National Association of County and City Health Officials (NACCHO). Under this initiative, the MHD will begin assessing their achievement of local public health standards as defined by the national Public Health Accreditation Program over the next several years. This opportunity will provide the MHD with an advantage in the national process by enabling the Department to begin self-assessing organizational performance, identifying priority areas in organizational capacity and service delivery, and designing quality improvement processes to address identified priority areas.

Summary of Activities:

The MHD plans to conduct the self-assessment and the implementation of the quality improvement process in four key phases. Several of the methods within the phases were adapted from best practices identified at the national level.

- ☐ **PHASE ONE:** Assemble a Quality Improvement Team to lead the process. The Quality Improvement Team (QIT) will be responsible for assessing the MHD's organizational capacity to carry out the Ten Essential Public Health Services, conducting quality improvement efforts, and educating and motivating MHD staff to participate in the processes of quality improvement. The QIT is comprised of senior management staff.
- ☐ **PHASE TWO:** Utilize the NACCHO's Operational Definition Prototype Metrics to perform an agency self-assessment. Using the NACCHO's Operational Definition Prototype Metrics, the QIT will perform an agency performance measurement assessment to identify strengths and weaknesses within the Departments' delivery of essential services.
- ☐ **PHASE THREE:** Calculate self-assessment scores, analyze the results, develop goal statement for areas of improvement, and identify priority areas to address through quality improvement. The QIT will analyze the results of the self-assessment and discuss the opportunities identified for improvement.
- ☐ **PHASE FOUR:** Implement a quality improvement process and summarize project findings. The QIT will utilize a NACCHO sponsored consultant to facilitate the implementation of the quality improvement process targeted at an identified priority area for improvement.

Program Notes and Trends:

Outcomes of this project include a final, written report for NACCHO's website, development of a listing of benefits and challenges of undertaking this process with recommendations for improvement, submission of an application to NACCHO's model practice program to share the MHD's experiences with other local health departments, and the provision of a report of project findings to the Board of Health and the Mayor and Board of Aldermen in June of 2008.

Established in May 2007, the national Public Health Accreditation Board has recommended that a national voluntary accreditation program be developed for Local Health Departments. NACCHO's project has been formulated to begin testing tools for assessing capacity of local health departments, which will lead to accreditation. Therefore, the MHD's involvement in this project will help guide the development of the national accreditation process, and potentially lead to the MHD becoming one of the first local health departments in the country to be nationally accredited.

Community Activities

ARBOVIRAL SURVEILLANCE PROGRAM: On October 25, 2007 the Department concluded its mosquito surveillance for the 2007 season. Overall, 35,547 mosquitoes were trapped and sorted by Health Department staff and then tested by the New Hampshire Public Health Laboratory. All were negative for both Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV).

ASTHMA PREVENTION AND CONTROL: The Multilingual Asthma Education and Outreach Program has received a one-year extension with the EPA to continue providing services to active clients currently in the program, and to reprioritize funds to strengthen current infrastructure and capacity. The NH Minority Health Coalition and The Way Home are providing peer educators for the Asthma program. This will increase capacity for outreach efforts in the community. Current capacity includes a Certified Asthma Educator, and a Medical Assistant at Child Health Services. The program goal is to reach 50 families of asthmatic children over the next two years. In December 2007/January 2008, the new peer educators will receive Asthma Education Training from the Certified Asthma Educator, and will shadow a seasoned peer educator on a few home visits to get oriented to the process before providing services directly.

CHILDHOOD LEAD POISONING PREVENTION PROGRAM: Senate Bill 176 an act relative to lead paint poisoning was signed into law in July, 2007. The key provisions of this new law are:

1. Lower the blood lead level that triggers an environmental investigation for children equal to or under the age of 6 from 20 micrograms per deciliter (MCG/dL) to 10 mcg/dL (the current actionable level as defined by the Centers for Disease Control and Prevention);
2. Lower the blood lead level that triggers notification through letters and ongoing phone consultations to property owners, families and health care providers for children equal to or under the age of 6 from 10 mcg/dL to 7.5 mcg/dL;
3. When the department inspects a rental unit where a child has an elevated blood lead level of 10 mcg/dL or higher and lead exposure hazards are found to exist, all units of that same multi-unit dwelling will be inspected to determine if other lead exposure hazards exist;
4. Amend language of the Lead Poisoning Prevention Revolving Fund (RSA 130-A: 15) to include additional sources of revenue such as administrative fines, donations, gifts, grants, etc., to be used to subsidize property owners in lead hazard remediation and to inform property owners as to the purpose of the fund;
5. Effective in July establishes a commission to study the current childhood lead poisoning prevention law, policies and standards.

HEALTHCARE FOR THE HOMELESS PROJECT: The Health Care for the Homeless Project was notified by the NH Department of Health & Human Services that it will be receiving a grant of \$57,000 in FY 08 and potentially an additional \$98,000 in FY 09 to expand primary care, oral health and mental health services to the homeless population. These funds are in addition to federal HRSA funding that the program currently receives.

FOR MORE INFORMATION

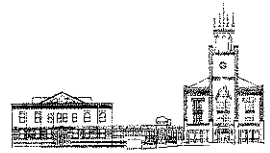
Visit our website at <http://www.manchesternh.gov/CityGov/HLT/Home.html>, or call 624-6466





CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

November 30, 2007

The Honorable Board of Mayor and Aldermen
One City Hall Plaza
Manchester, NH 03101

Honorable Members:

My last request to the Board of Mayor and Aldermen as I end my tenure at the City Clerk's office is to ask that the Board address one last item that concerns me deeply. As City Clerk I have worked with four Mayors and 51 Aldermen all of whom I respect and honor. In these positions, your job is frequently thankless that demands your attention 24 hours-a-day seven days-a-week. You all have done a great job in that area.

The last action to address stipends for the office of Aldermen occurred in 1985. Compensation for the Mayor's position was addressed through Charter change in 1996. Expenses to address constituent matters have dramatically increased over the last 20 plus years. On a cost-of-living basis alone, the ten-year span of the Mayor's salary needs to be addressed.

It is obvious that there is an inequity in this area and for that reason I am requesting that the Board consider amending ordinance sections as allowed by Charter Section 8.04. First is compensation of the Mayor. I strongly believe that as the CEO of the City as endorsed through the City Charter, the Mayor's salary should be increased to the level of grade 31. The initial starting salary in this grade is \$95,389.

Secondly, I believe that the Aldermen's compensation should be increased to the equivalent of a grade 7. Over a 22-year span, the out-of-pocket expenses related to these positions, not to mention the time spent away from family and other commitments by individuals holding these positions, warrants this increase. Similarly, I believe compensation for members of the School Committee should be increased to the equivalent of a grade 1 salary. This would place the initial Aldermen's salary at \$18,806 and the School Committee's at \$12,531. Aldermen and School Committee Members will still have the option to purchase health and dental insurance benefits.

D

The Honorable Board of Mayor and Aldermen
November 30, 2007
Page 2

Enclosed for your consideration is a draft ordinance providing for these changes to become effective July 1, 2008. I felt as strongly in 1999, when I approached the Board and asked that they consider changing the compensation for its future members, as I do today.

I ask that you seriously consider adopting these provisions to provide a fair and equitable compensation for the elected officials of our great City, that I believe will ultimately save money for the taxpayers.

Sincerely,



Leo R. Bernier
City Clerk

Enclosure

D

City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

"Amending Chapter 30: City Officials and Employees of the Code of Ordinances of the City of Manchester by changing salaries for the Mayor and members of the Board of Aldermen and School Committee."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances of the City of Manchester by deleting the following sections in their entirety.

~~§30.10 Salary Board of Aldermen~~

~~Each Member of the Board of Aldermen shall receive a salary of \$4000 per annum, payable quarterly, for services performed.~~

~~§30.11 Salary Board of School Committee~~

~~Each member of the board of School Committee shall receive a salary of \$2000 per annum, payable quarterly, for services performed.~~

- II. Amend Chapter 30 of the Code of Ordinances by inserting the following new language:

§30.10 SALARY OF ELECTIVE OFFICIALS

(A) Mayor's salary. The salary of the Mayor shall be set at Grade 31 within the compensation system of the City.

(B) Aldermen salary. Each Member of the Board of Aldermen shall receive a salary per annum, equivalent to Grade 7 of the City's compensation system, payable quarterly, for services performed.

(C) School Committee salary. Each member of the Board of School Committee shall receive a salary per annum, of equivalent to Grade 1 of the City's compensation system, payable quarterly, for services performed.

(D) Aldermen and Board of School Committee Members may purchase the same health and dental benefit packages awarded to non-affiliated employees in lieu of the above referenced salary.

- II. This Ordinance shall take effect July 1, 2008.

D

HEALTH INSURANCE COSTS

POINT OF SERVICE PLAN

Total Cost:	Single \$ 5,674	Two Person \$11,348	Family \$15,320
City Pays	\$ 4,965	\$ 9,929	\$13,405
Employee	\$ 709	1,418	\$ 1,915

HMO

Total Cost:	Single \$ 4,146	Two Person \$ 8,292	Family \$11,195
City Pays	\$ 3,939	\$ 7,878	\$10,635
Employee	\$ 207	\$ 414	\$ 560

D

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Ordinance Amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and a lost chip fee.”

ought to pass.

(Unanimous vote.)

Respectfully submitted,



Clerk of Committee



To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety, Health and Traffic respectfully advises, after due and careful consideration, that it has approved Ordinance Amendment:

"Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and a lost chip fee."

and recommends that it be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote.)

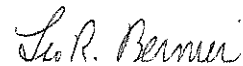
At a meeting of the Board of Mayor and Aldermen
held Nov. 7, 2007 on a motion of Ald. O'Neil
duly seconded by Ald. Pinard the report
of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~



City Clerk
Reputy

Respectfully submitted,



Clerk of Committee

E

City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

"Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and a lost chip fee."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by inserting new language as bolded (**bold**). All other sections to the above referenced ordinance will remain unchanged.

§ 70.57 PARKING RATES:

Except as otherwise ordered by the Board of Mayor and Aldermen, rates shall be charged for parking in city-owned facilities and on-street as follows:

(A) Parking garage rates:

- (1) Hourly rate \$0.50 per hour 6:00 a.m. to 6:00 **10:00** p.m.
Monday through ~~Saturday~~ **Friday** excluding holidays
Victory Garage
- (2) Monthly rate \$70.00 for 6:00 a.m. to 7:00 p.m.
Monday through Friday excluding holidays
Victory Garage, 1155 Elm Street, Wall Street Garage
- (3) Monthly rate \$75.00 - 24 hours per day
Monday through Saturday excluding holidays
(includes posted civic center event times)
Victory Garage
- (4) Prepay rate after 6:00 p.m.
Monday through Saturday excluding holidays
Victory Garage - \$3.00 per vehicle
- (5) Validation Program 6:00 a.m. to 8:00 **10:00** p.m.
(including civic center Event Parking), three hour limit
Victory Garage (Validating tickets available to retailers at a cost of \$0.25 per ticket. Each ticket good for one hour free parking.)
- (6) Civic Center Event Parking Fees - (to be posted for Civic Center Events)
 - (a) Victory Garage - \$3.00 prepay,
Monday through Friday Early Bird Special
4:00 p.m. - 6:00 p.m. arrival time;
\$5.00 prepay Monday through Friday after 6:00 p.m.,
Saturday/Sunday starting two hours prior to event



City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

"Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester; 70.57 by revising Sections (1) and (5) to reflect current operating practices for hours of operation; and adding new Sections (7) and (8) to add the current daily maximum charge and a lost chip fee."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

- (7) **Lost Chip Fee - \$6.00 for the daily maximum rate and \$10.00 for replacement of the lost chip. Total fee of \$16.00**
- (8) **Daily Maximum Rate - \$6.00**



To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Zoning Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

ought to pass.

(Unanimous vote with the exception of Alderman Gatsas who was opposed.)

Respectfully submitted,



Clerk of Committee

F

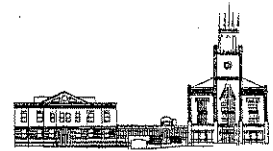


CITY OF MANCHESTER

Planning and Community Development

Robert S. MacKenzie, AICP
Director

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

IN BOARD OF MAYOR & ALDERMEN

DATE: November 7, 2007

ON MOTION OF ALD. DeVries

SECONDED BY ALD. O'Neil

refer to Bills on Second Reading
VOTED TO and public hearing on 11/26/2007

CITY CLERK

October 26, 2007

Honorable Members of the Board of Mayor and Aldermen
City Hall
One City Hall Plaza
Manchester, New Hampshire 03101

re: Proposed Changes to the Neighborhood Business District of the Zoning Ordinance

Honorable Board Members:

As we have begun neighborhood revitalization efforts, it has become clear that the Zoning Ordinance pertaining to Neighborhood Business Districts needs to be changed. The current zoning provisions do not move towards the vision of revitalized neighborhoods and in fact may discourage small business reinvestment in these areas. As such, the proposed revisions are designed to encourage small business growth and to create a vision of walkable neighborhood centers that provide needed services to these areas. They have been reviewed by our staff and with the Building Department. In addition to the proposed ordinance, I have included a summary of the proposal.

The next step would be to schedule a public hearing and referral to the Committee on Bills on Second Reading.

If you have any questions, I will be available at your meeting.

Sincerely,

Robert S. MacKenzie, AICP
Director of Planning and Community Development

C: Building Department
Planning Board
City Solicitor

F

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov

City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking".

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking as follows:

Amend Article 5, Use Regulations, Table 5.10 by making the following changes in the column under B-1:

- In A2. Single family attached (townhouse) dwellings, change "--" to "P";
- In D7. Small scale assembly, fabrication and craftsmen businesses with no outside storage or machinery, change "--" to "P"; and add "8.13" in the Supplementary column;
- In D8. Artisans Lofts including living and working facilities in the same unit for craftsmen and artisans, change "--" to "P";
- In F2. Split this row in two with the following:
 - F2-1 "Furniture and major appliance stores greater than 8,000 square feet" leaving the same designations as the current F2 section;
 - F2-2 "Furniture and major appliance stores up to 8,000 square feet" with designations identical as F2-1 except change "--" to "P" under the column B-1;
- In F5. Sales of general goods and merchandise within an establishment of up to 8,000 square feet, change "CU" to "P";
- In G1. Restaurant of up to 5,000 square feet (under establishments serving alcoholic beverages), change "CU" to "P";
- In H-1-1. Banking, financial, real estate and insurance offices, change "CU" to "P";
- In H-1-2. Other business and professional offices, change "CU" to "P";
- In H-3-2. Bed and breakfast, change "CU" to "P";
- In H-4-1. Theaters, cinemas, concert halls, change "--" to "P";
- In H-5-2. Indoor health and fitness center, pool, gym or membership recreation center, change "CU" to "P";
- In J2. Private Elementary or Secondary school, change "--" to "P";
- In J5. Cultural facilities, such as museums and libraries, change "--" to "P";
- In J8. Membership fraternal and social organizations and clubs, change "--" to "P".

Amend Article 5, Use Regulations, Table 5.11 Accessory Uses by making the following changes in the column under B-1:

- In L1. Accessory dwelling within a single family detached residence, change "--" to "P";
- In L4. Accessory retail or consumer use in a multifamily dwelling, change "--" to "SE".

City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking".

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Amend Article 6, Dimensional Regulations, Table 6.07 by making the following changes in the row of B-1:

Under Front Setback (feet), change "10" to "--";
Under Rear Setback (feet), change "15" to "10";
Under Floor Area Ratio, change ".5" to "2".

Amend Article 8, Supplementary Regulations for Specific Uses, Subsection 8.01 by adding a "B-1" in the last row of the table so that it reads: "R-3, CBD, and B-1";

Amend Article 9, Sign Regulations, Subsection 9.07 Signs Prohibited Under this Ordinance by deleting in F the following phrase: "...protrude above the sills of the windows above the first story,..." and insert in its place "...larger than eight (8) feet in height..."; and adding a new subsection I. to read as follows:

"I. Signs on the building blocking windows."

Amend Article 10, Off-Street Parking and Loading Requirements by making the following changes:

Subsection 10.02 A. Areas and buildings subject to parking requirements, by adding "Neighborhood Business District" so that it reads: "In any district except the Central Business District and the Neighborhood Business District (B-1),..."

Subsection 10.02 C. by deleting the subsection and inserting in its place:

"C. Districts exempt from parking requirements. All development and changes in use in the CBD and the B-1 districts shall be exempt from the requirements for providing off-street parking and loading of this Article. Additional parking limitations apply as indicated in Section 10.07."

Subsection 10.02 D2. by deleting "B-1".

Subsection 10.02 D3. by deleting "B-1".

Subsection 10.07 by adding a new J (and renumbering the current J to K) to read as follows:

7

City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking".

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

"J. Parking limitations in the B-1 District. For newly constructed buildings in the B-1 District, there shall be no parking in the front yard of the building."

Subsection 10.09 A. Non-residential districts, by adding: "Except in the B-1 District as described in Subsection 10.07 J,....: at the beginning of the first sentence of the subsection.

SECTION II. Resolve this ordinance shall take effect upon passage.

Summary of Proposed Changes to the Neighborhood Business Zoning District

As the City has been working to revitalize some of the City's older neighborhoods, it has become clear that the Neighborhood Zoning District regulations within the Zoning Ordinance have become outdated and actually discourages the growth of small businesses in the B-1 zoning district. A series of changes are proposed to the allowed uses, dimensional regulations, sign regulations and parking regulations.

It is the intent of these changes to encourage the establishment and growth of small neighborhood businesses, encourage the improvement of buildings and therefore the tax base of these areas, provide a variety of services for the surrounding residential neighborhoods and to make these districts more walkable.

Highlights of the Changes include:

1. Adds 14 new uses which would become "by right" in the Zoning Ordinance including such items as Artisan Lofts, Craftsman businesses, small furniture and appliance stores, Sale of general goods, restaurants up to 5,000 square feet serving alcoholic beverages, Theaters, Bed and Breakfast lodging, cultural facilities, membership and social clubs, and real estate and insurance offices.
2. Adds two new accessory uses including: accessory dwelling within a single family residence, and accessory retail or consumer use in a multifamily building.
3. Changes the dimensional requirements such as: eliminating front yard requirements, reducing rear yard requirements, and increasing the Floor Area Ratio of developments.
4. Allows for expanded use of projecting business signs.
5. Eliminates the requirement for off-street parking within the district.
6. Limits parking in the front yard of the building so that it remains pedestrian friendly.

"Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking".

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking as follows:

Amend Article 5, Use Regulations, Table 5.10 by making the following changes in the column under B-1:

- In A2. Single family attached (townhouse) dwellings, change "--" to "P";
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 - F2-2 "Furniture and major appliance stores up to 8,000 square feet" with designations identical as F2-1 except change "--" to "P" under the column B-1;
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- In H-4-1. Theaters, cinemas, concert halls, change "--" to "P";
- In H-5-2. Indoor health and fitness center, pool, gym or membership recreation center, change "CU" to "P";
- In J2. Private Elementary or Secondary school, change "--" to "P";
- In J5. Cultural facilities, such as museums and libraries, change "--" to "P";
- In J8. Membership fraternal and social organizations and clubs, change "--" to "P".

Amend Article 5, Use Regulations, Table 5.11 Accessory Uses by making the following changes in the column under B-1:

- In L1. Accessory dwelling within a single family detached residence, change "--" to "P";
- In L4. Accessory retail or consumer use in a multifamily dwelling, change "--" to "SE".



"Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking".

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Amend Article 6, Dimensional Regulations, Table 6.07 by making the following changes in the row of B-1:

Under Front Setback (feet), change "10" to "-";
Under Rear Setback (feet), change "15" to "10";
Under Floor Area Ratio, change ".5" to "2".

Amend Article 8, Supplementary Regulations for Specific Uses, Subsection 8.01 by adding a "B-1" in the last row of the table so that it reads: "R-3, CBD, and B-1";

Amend Article 9, Sign Regulations, Subsection 9.07 Signs Prohibited Under this Ordinance by deleting in F the following phrase: "...protrude above the sills of the windows above the first story,..." and insert in its place "...larger than eight (8) feet in height..."; and adding a new subsection I. to read as follows:

"I. Signs on the building blocking windows."

Amend Article 10, Off-Street Parking and Loading Requirements by making the following changes:

Subsection 10.02 A. Areas and buildings subject to parking requirements, by adding "Neighborhood Business District" so that it reads: "In any district except the Central Business District and the Neighborhood Business District (B-1),..."

Subsection 10.02 C. by deleting the subsection and inserting in its place:

"C. Districts exempt from parking requirements. All development and changes in use in the CBD and the B-1 districts shall be exempt from the requirements for providing off-street parking and loading of this Article. Additional parking limitations apply as indicated in Section 10.07."

Subsection 10.02 D2. by deleting "B-1".

Subsection 10.02 D3. by deleting "B-1".

Subsection 10.07 by adding a new J (and renumbering the current J to K) to read as follows:



"Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking".

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

"J. Parking limitations in the B-1 District. For newly constructed buildings in the B-1 District, there shall be no parking in the front yard of the building."

Subsection 10.09 A. Non-residential districts, by adding: "Except in the B-1 District as described in Subsection 10.07 J,....: at the beginning of the first sentence of the subsection.

SECTION II. Resolve this ordinance shall take effect upon passage.

F



City of Manchester

Nos. 1, 3, 4 & 5 Nominated & Confirmed
on 11/20/2007

Nos. 2, 6, 7 & 8 Nominated on 11/20/2007

Office of the Mayor
Hon. Frank C. Guinta

November 20, 2007

The Honorable Board of Aldermen
One City Hall Plaza
Manchester, NH 03101

Dear Members of the Board:

Pursuant to Section 3.14 (b) of the City Charter, please find below the following nominations:

- (1) Jane Beaulieu to succeed Gerard L. Thibodeau (resignation) as a member of the Conservation Commission, term to expire August 1, 2009; and
- (2) Crystal Nadeau to succeed Peter Ramsey (term limit) as a member of the Arts Commission, term to expire December 1, 2010; and
- (3) Celia Phillips to succeed herself as a member of the Arts Commission, term to expire December 1, 2010; and
- (4) Elizabeth Cash Hitchcock to succeed herself as a member of the Arts Commission, term to expire December 1, 2010; and
- (5) Sy Dahar to succeed himself as a member of the Board of Trustees of Trust Funds, term to expire January 2011; and
- (6) James Dunphy to succeed himself Phillip M. Stone (deceased) as a member of the Board of Trustees of Trust Funds, term to expire January 2011; and
- (7) A. Joseph Dion to succeed Harold Sullivan (resignation) as an alternate member of the Planning Board, term to expire May 1, 2008; and
- (8) Michael Skelton to succeed Craig Smith (resignation) as a member of the Safety Review Board, term to expire March 15, 2009.

These nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor & Aldermen. Your consideration of these nominees is appreciated.

I am also reappointing Charles Hungler to serve as the Mayor's designee to the Retirement Board, term to expire January 1, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank C. Guinta". The signature is fluid and cursive, with a long horizontal stroke at the end.

Frank C. Guinta
Mayor

Crystal Nadeau

www.goodbrain.com

603-623-7546 Home

603-548-4033 Cell

214 Wellington Hill Rd.

Manchester, NH 03104

Who is Crystal Nadeau?

I am a professional photographer and have been a small business owner in the Manchester area going on 20 years now. I've worked in the photo retail business for Perfecta Camera as a Store Manager, and then in camera repair as a technician with Apex Photo Technical Services, for a total of 10 years. I have been in the graphic design/computer art education business since 1999.

After graduating from a computer art certificate program at Pioneer Computer School in 1999, I started my career as computer art/graphic design educator and worked there until it closed in Dec 2003, at which time I was the Vice President. I was responsible for a complete relocation including setup and day-to-day operations to Hooksett; technical set up of a 40-plus computer school, and hiring and training of instructors and staff. I was responsible for working directly with all enrolled and graduated students related to career placement services, including business start up guidance. This role allowed me to launch an Internship program that was more like a small business incubator for our students in graphic and web design. It enabled us to boast a placement rate of over 86% and that number improved each year we were open. I was also responsible for our annual Computer Art Competition, which became successful with donations of hundreds of dollars worth of prizes from supporting contributors, and included a Mayor's and Governor's Choice Recognition Awards. This exciting experience launched my ongoing interest in the exhibiting of computer artwork of myself and others.

Upon the closing of Pioneer, I launched my own school, Goodbrain® Academy of Creative Technology, LLC, which operated on Harvey Rd., in Manchester from Apr 2004 - Nov 2006, at which time I moved the school together with New Horizons of Northern New England in Nashua NH. As of July 2007, I am no longer associated with New Horizons, the school is closed and I work out of my home in Manchester, NH.

Today, I own a web and graphic design education business, as well as I provide services for hire in freelance graphic design & photography; business consulting for existing businesses in web & graphic design and photography; career coaching and business start up coaching/mentoring for new web & graphic designers and photographers. I offer private training in the following areas (on Mac or PC): web & graphic design, digital photography including: desktop and commercial printing (known as prepress) & scanning and digital scrap booking. I also continue to be a mentor to the graduates of Pioneer and Goodbrain®.

I actively look for opportunities to exhibit my graduate's digital art and myself and spend lots of time continuing my knowledge and staying in the forefront of the technology that drives this industry. I have enjoyed the opportunity to work with some of our areas finest artists and look forward to assisting the City of Manchester; in whatever way I can, to continue to keep the arts in the presence if it's citizens and to enable all types of art to reach all of our neighbors.

Creative groups I belong to include:

nhcreativeclub.org (NH Creative Club, Officer-Vice Pres)

nhppa.com (NH Professional Photographers Association, Vendor Member, 07-08 Conference Book Designer, past Membership Chair)

Manchester Artists Association (Member)

PPANE (Professional Photographers Association of New England, Member)

NAPP (National Association of Photoshop Professionals, Member)

Other Business groups I belong to:

Women's Business Center (WBC)

Greater Manchester Chamber of Commerce

Past Exhibitions at City Hall Gallery

"Art on the Wall at City Hall" Manchester presents
"Wish you were here!"
A two-women digital photographic exhibit of Oahu, Hawaii
including over 40 panoramas and framed prints

Save the Date:

Opening Reception (with light refreshments, free to public) Sept 20th from 5-8pm @ City Hall, Manchester part
of the Open Doors Trolley Tour
The rest of the story...

MANCHESTER, NH – The Manchester Arts Commission is happy to announce professional photographers Crystal Nadeau and Pris Petre as the featured artists at "Art on the Wall at City Hall" from Sept. 1st thru October 30th with "Wish you were here!", a Hawaiian photographic exhibition. This exhibit showcases beautiful digital images from the island of Oahu (and surrounding islands) in the beautiful state of Hawaii. Crystal's series are digital "panoramas", which show "slices" of life on Oahu, from the beaches to the mountains and back! Pris's images showcase the power of the ocean alongside the beautiful flora and fauna of the island!

For one night, in collaboration with OPEN DOORS MANCHESTER Art Trolley Tour Thursday, Sept. 20th 5pm to 8pm there will be a public reception where you will enjoy light refreshments. Both Pris and Crystal will be on hand to greet visitors and discuss their creative inspirations and techniques to completion.

Don't leave City Hall without casting your vote for the "People's Choice Award", all while enjoying refreshments and meeting the photographers in person. Mark your calendar. This one's 'a must-see'.

Major Sponsors for this exhibition:

Bedford Village Inn | H & C Nails | Desktop Training Professionals | Mason 3 Photography | J. Fischman Design | John Faiella | Donna Tessier | Gabrielle Green Designs | Linda Rae

Meet the Photographers

About Crystal

A freelance photographer for 18+ years, is a Mac guru, has sold/repared cameras, is highly experienced in small business and operates home based businesses in freelance commercial and portrait photography, graphic design and design consulting, and heirloom album and shadow box creation for clients. Crystal is owner of Goodbrain.com and has been in the graphic and web design training industry since 1999. She launched the Perkins Digital Art Gallery, a traveling digital art exhibition that promotes up and coming graphic designers and digital artists, and is devoted to placing artwork in area businesses and exhibition venues of 100% digital art. She loves to travel and welcomes any opportunity to travel and take photos! Memberships include: NHPPA.com (07-08 Conference book graphic designer); NH CreativeClub.org (current Vice Pres.); PPANE.com; NAPP and other business and artistic memberships. She has received awards for her Photography in numerous competitions. She resides in Manchester, NH | 548-4033 | goodbrain.com

About Pris

Pris Petre has been a freelance, professional wedding and portrait photographer for over 22 years. She attended the New England School of Art in Boston. Pris was a photography teacher at St. Joseph's Junior High in Manchester for 6 years. She has won various awards and has been published in:

City Guide, Boston

Cover New Hampshire Profiles Calendar

Manchester Chamber of Commerce

Century Color labs

Gateways Magazine

NH Philharmonic Brochure and numerous others

Her love of wildlife and traveling has been the inspiration for her work.

She resides in Hooksett, NH and is also a jewelry designer & the owner of Forbeadin | 625-6750 | forbeadineden.com

For more information call Georgie Reagan (Art on the Wall) at 624-6500 or Crystal Nadeau at 548-4033.

Shanghai, China ~ A City of Change in 2005
A 100% digital image photography exhibit by Crystal Nadeau
From March 1 to April 28, 2006

An "Art on the Wall at City Hall" Manchester | Open Doors Trolley Tour event
Opening reception April 27th from 5-8pm Manchester City Hall

From the Press Release for China Exhibit, 2006:

MANCHESTER, NH --

Who: Crystal Nadeau, owner of Goodbrain™ Academy of Creative Technology* and professional freelance photographer of 17+ years and a Manchester resident since 1989. Membership Chair for the NH Professional Photographers Association; Steering Committee Member of the NH Creative Club; Winner of 1st Place (in NH) and 2nd place (nationally) for B & W Photography category in the 2005 NH Chapter of the American Mothers Inc association competition. *See one of our grads on an upcoming episode of ABC's Extreme Home Makeover!

Goodbrain™ Academy presents
100% Digital Art Exhibit at
"Art on the Wall at City Hall"
and Open Doors Trolley Tour events
Opening reception Sept 22nd from 5-8pm Manchester City Hall

From the Press Release for Goodbrain™ Academy 1st Exhibit, 2005:

MANCHESTER, NH -- The Manchester Arts Commission is happy to announce **Goodbrain™ Academy of Creative Technology**, the city's new graphic and web design school, as the featured **"Art on the Wall at City Hall"** from **Sept. 1st thru October 31st**. This exhibit is called **"100% DIGITAL ART."** Included will be digital photography, commercial art and abstract art...something for everyone. Goodbrain's™ graduates and instructors have completed the art works and the exhibit will be unveiled at Manchester's City Hall where you will see a most amazing collection of 100% digital artwork, as the school celebrates their first anniversary.

NOTE: this exhibit also displayed at the Bedford & Nashua Public Library's after it came down from City Hall.

James Dunphy

72 Independence Lane
Manchester, NH 03104

Experience

Hampshire First Bank – President and CEO 2006-current

Ocean Bank - Senior Vice President Commercial Lending 2003-2006

- Promoted to the position of Senior Commercial Lender/Team Leader for the Bank's Western Region as a result of the acquisition of the Bank by The Chittenden Corporation.
- Managed the marketing and customer satisfaction of the Western Region commercial lending department, while spearheading an increased level of cross selling and teamwork within the bank and the surrounding community.
- Responsible for the Bank's largest commercial lending portfolio and local authority to override consumer and mortgage lending decisions.
- Voting member of the Bank's loan committee.
- Invited to participate in the Bank's Asset Liability Committee, helping direct product development and pricing. One of three with the authority for individual customer pricing.

Granite Bank (acquired by Ocean Bank) - Senior Vice President Residential Lending 2000-2003

- Promoted to the position of Senior Vice President to lead the mortgage operations of Granite Bank, having a first full year increase in volume of 70 percent (Highest volume in the Bank's history).
- Managed the operations, marketing and customer satisfaction of the mortgage department, while spearheading an increased level of cross selling and teamwork within the bank.
- Participate in the development of new products, review and establishment of interest rates and credit risk policies, acquisition targets and new territories with senior management.
- Fostered a higher level of knowledge and ownership with the mortgage department employees and other departments within the bank for a higher level of teamwork.
- Reported directly to a Board of Director's committee on operating results.

Granite Bank (acquired by Ocean Bank)- Administrative Vice President and Controller 1997-2000

- Oversaw the daily accounting operations and related interactions with other departments throughout the bank, which often required explanation of accounting rules.
- Responsible for financial reporting to the board of directors, FDIC, various state regulatory agencies and the preparation of annual and quarterly financial statements and related SEC filings (10-K, 10-Q, etc.), along with preparation of all ALCO reports and analysis.
- Member of the Y2K committee and implementation team.
- Controlled the integration of the accounting area in a \$400MM merger and the related restatements for financial reporting under the pooling of interests-method.
- Built a new team with the existing two separate accounting departments.

Antioch New England Graduate School and Keene State College – adjunct faculty 2002-current

Teach introduction to accounting a prerequisite for the MBA (Antioch) program and Financial Management and Business Planning in the school's MBA and undergraduate programs. (Help develop the courses content for the Antioch program.)

Grant Thornton LLP Accountants & Management Consultants- Manager (1994) 1989-1997

- Directed multiple teams of 2-15 professionals on manufacturing, financial institution, real estate, utility, not-for-profit, leasing, public and service industry clients.
- Developed and managed due diligence procedures for client acquisitions and related audits and operational reviews and presented respective findings to the company's senior management.
- Educated clients on existing and new accounting pronouncements and interpretations.
- Supervised public offering procedures and related comfort letters as requested by underwriters.
- Member of the team to perform asset valuation and due diligence for the FDIC and RTC.
- Administrative responsibilities: training director, new employee orientation and training, maintaining continuing professional education compliance, assistance with recruiting and staff scheduling.

Professional Certifications and Affiliations

Certified Public Accountant (Massachusetts); Certified Management Accountant; American Institute of Certified Public Accountants; Licensed Real Estate Salesperson (Massachusetts); Institute of Management Accountants (Served on the local chapter Board of Directors); American Production & Inventory Control Society (APICS), (Two parts CIRM); Served/Serving on the Board of Directors for The Greater Quincy Child Care Center; Stonewall Farm (ask to serve on the new CEO search committee); CHESCO; Home Healthcare and Hospice (hold position of treasurer); Keene Chamber of Commerce; Keene Rotary; Prospect Place and the audit committee and treasurer of the Keene Country Club. Volunteer with various local groups, including Chesterfield and Keene soccer, Little League, basketball, new playground and Cub Scouts as coach and other positions.

Education

- Franklin Pierce College, Masters of Business Administration in Leadership
- Bridgewater State College, Bachelor of Science in Management Science - concentration in Accounting and Finance

A. Joseph Dion

E-Mail: *ajdion123@yahoo.com*

199 Huntress Street

Manchester, NH 03102

(603) 759-3333

Summary of Qualifications

- Includes more than 11 years in marketing, public relations and management capacities, involving:
- In a supervisory role, managing up to 11 employees with direct responsibilities for recruitment, interviews, hiring, task assignment, scheduling, new-hire orientation, training, performance evaluations and termination activities.
- Extensive experience with day-to-day sales and marketing operations, encompassing skills and responsibilities for new business development as well as maintaining existing accounts through the successful initiation and nurturing of long term business relationships.
- Development of marketing materials, advertising design and layout, writing and editing ad-copy, in addition to administrative functions such as AR/AP, bookkeeping, inventory control and product/supplies ordering with direct authority for vendor selection and pricing negotiations.
- A philosophy of providing quality, conscientious customer service aimed at fostering continued customer satisfaction, confidence and brand loyalty.
- Strong organizational and leadership abilities, team building and motivational management skills.
- As a team player, providing substantial input into problem solving and quality assurance activities.

Additional Skills/Experience

Effective interpersonal and communications skills; light language skills in French; banking-based operations and customer services; familiarity with Windows95/98/NT, MS-Word, Excel, Access, Powerpoint, Outlook, Publisher, Adobe Photoshop, Harvard Graphics, Peachtree Accounting, Quattro Pro, dBase, Wordstar, WordPerfect and a variety of industry specific data management packages.

Employment History:

DEPARTMENT OF LABOR, 2005-PRESENT

Concord, NH

Dispute Resolution Coordinator

Responsible of all NH litigated cases relative to workers compensation. Manage a staff of 25.

BENSON ADMINISTRATION OFFICE OF THE GOVERNOR, 2003 - 2005

Concord, NH

Director of Constituent Services

MERRIMACK STREET VOLVO, 1997 - 2003

Manchester, NH

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2000 - 2003 *Internet Sales Manager*
1997 - 2000 *Sales & Leasing Consultant*

Accomplishments: *Achieved Volvo's "Master Level Sales Consultant" for outstanding job performance, customer retention and improved CSI (Dealer Excellence) ratings - #3 dealership nationally.*

A.J.D. ASSOCIATES - PRINT BROKERAGE SERVICES, 1993 - 1997
Manchester, NH **General Manager**

Affiliations Activities: CITY OF MANCHESTER HERITAGE COMMISSION (2006-CURRENT) PLANNING BOARD, MEMBER (1996 - 2000) KIWANIS CLUB , MEMBER MAYOR'S BUSINESS VISITATION PROGRAM MANCHESTER CHAMBER OF COMMERCE, AMBASSADOR
SOUTHERN NEW HAMPSHIRE PLANNING COMMISSION
MANCHESTER SOUTH YOUTH SOCCER, COACH (PRODUCED 2 TIME AMERICA'S CUP TEAMS)

Education:

NEW HAMPSHIRE COLLEGE, Manchester, NH **Business/Marketing Program**

Continuing Ed.: *Attended numerous employer sponsored courses, programs and seminars, including: Situational Leadership; AIB: Law & Banking; Tom Hopkins: Sales; Tony Robbins: Customer Services; Telephone Skills, Sexual Harassment in the Workplace, etc.*

References: Excellent professional and personal references are available and will be furnished upon request.

Michael J. Skelton

1200 Elm Street, Unit 317
Manchester, NH 03101
(Home) 603-606-1754
mskelton82@gmail.com

Summary Energetic professional with significant experience in multiple facets of New Hampshire state government. Have developed professional relationships with legislators, business leaders, members of the media, and other government figures. Has in-depth knowledge of New Hampshire's economic conditions, challenges, and general business issues. Possess strong communication, professional writing, and leadership skills.

Areas of Expertise

- Legislative policy analysis and development of sound advocacy strategies.
- Extensive knowledge of the inner-workings of New Hampshire State Government.
- Specific knowledge and experience with the legislative process in New Hampshire.

Experience

Director of Economic Development and Advocacy Aug. 2006 to Present
Greater Manchester Chamber of Commerce
Responsible for managing and directing the Chamber's Economic Development and Advocacy Department. This department drives the Chamber's Economic and Community development initiatives and sets the Chamber's legislative agenda. Duties Include:

- Lobby legislators and policymakers to support the Chamber's proactive business agenda.
- Manage and grow economic development initiatives such as *Metro Center-NH* and *Walkable Neighborhoods*.
- Serve as a spokesperson for the chamber and regional business community on economic development and legislative issues.
- Serve as the Staff Liaison to six permanent Chamber Committees.

Public Affairs and Legislative Liaison Jan. 05 to Aug. 06
Office of the Commissioner, Department of Employment Security
Successfully guided legislation through New Hampshire legislature allowing the Department to access \$11.9 million in federal funds to upgrade its Unemployment Benefit Distribution System.
Served as department liaison to House Labor and Senate Insurance Committees, New Hampshire's Congressional Delegation, and the Executive Council. Duties Include:

- Prepared Commissioner's testimony for legislative hearings or press events.
- Drafted all legislative policy press releases and coordinated press coverage.
- Collaborated with Commissioner and agency directors to formulate the Department's legislative priorities.

Executive Council Liaison, Office of Governor Craig Benson June 04 to Jan. 05
Executive Council Chambers, New Hampshire State House
Oversaw over 200 Gubernatorial appointments to positions such as Agency Commissioners, District Court Judgeships, and positions on various state boards and commissions.
Responsible for acting as official liaison between Governor and each of the five Executive Councilors. Duties included:

- Coordinated all press coverage and media inquiries regarding Executive Council issues.
- Evaluated candidates for gubernatorial appointments to state boards and commissions.

Education Honors Bachelor of Arts, Saint Anselm College Sept. 2000 to May 2004

- Major: Political Science
- Honors Program Graduate

Community & Civic Activities

- Boy Scouts of America, Eagle Scout Award Recipient. Currently serve as District Chair of the Massabesic District of the Daniel Webster Council.
- Board Member – Manchester Young Professional Network

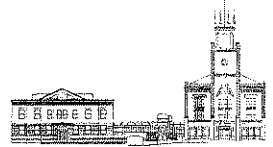
References References are available on request.





CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

November 26, 2007

The Honorable Board of Mayor
and Aldermen
One City Hall Plaza
Manchester, NH 03101

Dear Honorable Board Members:

RSA 659:4 requires that the Board of Mayor and Aldermen "determine the polling hours no later than 30 days prior" to the election.

I am requesting the Board set the polling hours for the State of New Hampshire Presidential Primary Election scheduled for Tuesday, January 8, 2008, from 6:00 AM until 7:00 PM.

Your favorable consideration would be greatly appreciated.

Thank you.

Sincerely,

Leo R. Bernier
City Clerk

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Memo

To: Board of Mayor and Alderman

From: Glen Ohlund

CC: Jay Minkarah

Date: 11/23/2007

Re: Community Revitalization Tax Relief Incentive Application (RSA 79-E)
30 Amherst Street (aka Map 4, Lot 9)

The Economic Development Office is in receipt of an application for the Community Revitalization Tax Relief Incentive. MEDO has prepared this brief report with our recommendations.

Background-

The three story building at 30 Amherst Street was acquired by Max Pruna of Pruna Holdings LLC in September 2005. The brick building (formerly painted white) housed Albee's Restaurant and some upper floor offices, many were vacant. Since acquisition, Max has rehabilitated the first floor which now houses Consuela's Tacqueria. The circa 1887 building sits diagonally across from the District Courthouse on Amherst Street. In September 2007, as remaining upper floor leases expired, Mr. Pruna decided to make major improvements to floors two and three.

The City received Mr. Pruna's completed application for tax relief under RSA 79-E on November 21st.

RSA 79E establishes a set of criteria required to grant this Tax Relief Incentive as follows:

Property is within a designated Downtown or Central Business District area and consistent with Master Plan or other development regulations-

Attachment "A" is a City GIS map showing subject property to be located in the CBD (Central Business District) Zoning area. One of the four zoning districts the City of Manchester adopted for RSA 79-E. The other applicable areas are the Millyard District (AMX) and two Downtown R-3 Zones which include the Amoskeag Housing. All of the uses proposed by applicant are consistent with those outlined for the Central Business District as permitted uses in the 2001 Zoning Ordinance. Additionally, this project meets the City's Master Plan economic development objectives to "Evaluate the city's older commercial and industrial areas for their potential to be creatively rehabilitated and reused" and further supports efforts to "strengthen the Central Business District" also outlined in the 1993 Master Plan.

Proposed rehabilitation qualifies as substantial-

In 2007, the subject property's assessed value is \$454,500. The applicant's proposal calls for upper story rehabilitation costs in the range of \$76,000 to \$95,000. These costs equal 16% to 21% of the assessed value. The 79-E statute requires a rehabilitation investment of 15% of assessed value or \$75,000 (whichever is less) to meet the "substantial rehabilitation" threshold. These costs are exclusive to the second and third floors and will aid in marketing the offices to new users.

There is public benefit in granting the Tax Relief-

MEDO finds that the application meets a number of the public benefit requirements under RSA 79-E. The applicant has already attracted a first floor restaurant. Upper floors would be quality office space that will enhance the economic vitality in Downtown Manchester. These offices are uniquely situated to offer attorneys and other legal service providers ready access to the District Court when they are rehabilitated. They have the potential to create additional daytime purchasing power that can be captured by Downtown retailers and restaurants. Current estimates indicate Downtown workers add \$3,000 annually to local economies.

MEDO further finds that the work previously conducted on the exterior of the building has already improved the appearance of the property. Layers of paint that accumulated over the years have been removed and the original exterior again highlights the detail of building construction from the late 1800's. The applicant has not requested the additional benefits of rehabilitating a historic structure, nor has he followed the US Secretary of Interior's Standards for Rehabilitation.

The further rehabilitation of this building will substantially improve the Downtown area, as it is visible from Elm Street on an important artery in the Downtown. In its previous condition, the building would not have been considered an asset to Downtown. In completing this project, the applicant, Max Pruna, will revitalize upper floor office space which will contribute to the overall economic health and appearance of the Downtown.

Based on this report, comments from the applicant, and results of the Public Hearing, the Board of Mayor and Alderman is required to render a decision granting or denying the requested tax relief, and if so, establishing a tax relief period based on the following:

- 1) public benefit is established
- 2) a covenant under RSA 79-E:8 is established, protecting the public benefits of the project. RSA 79-E states that the covenant be coextensive with the period of tax relief and may be in effect for up to twice the period of tax relief
- 3) the Board of Mayor and Alderman finds the proposed use(s) consistent with the Master Plan or development regulations

MEDO respectfully recommends that the Board of Mayor and Alderman grant this RSA 79-E request for a period of five (5) years and authorize Staff to complete the necessary covenants and recordings required by this statute.

A copy of the original application is included with this memo.

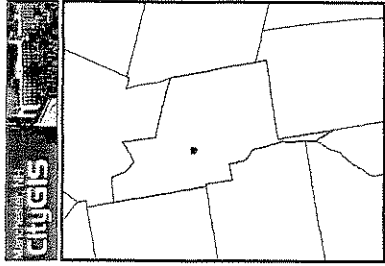
Respectfully,

Glen Ohlund

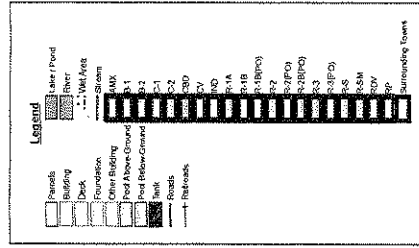
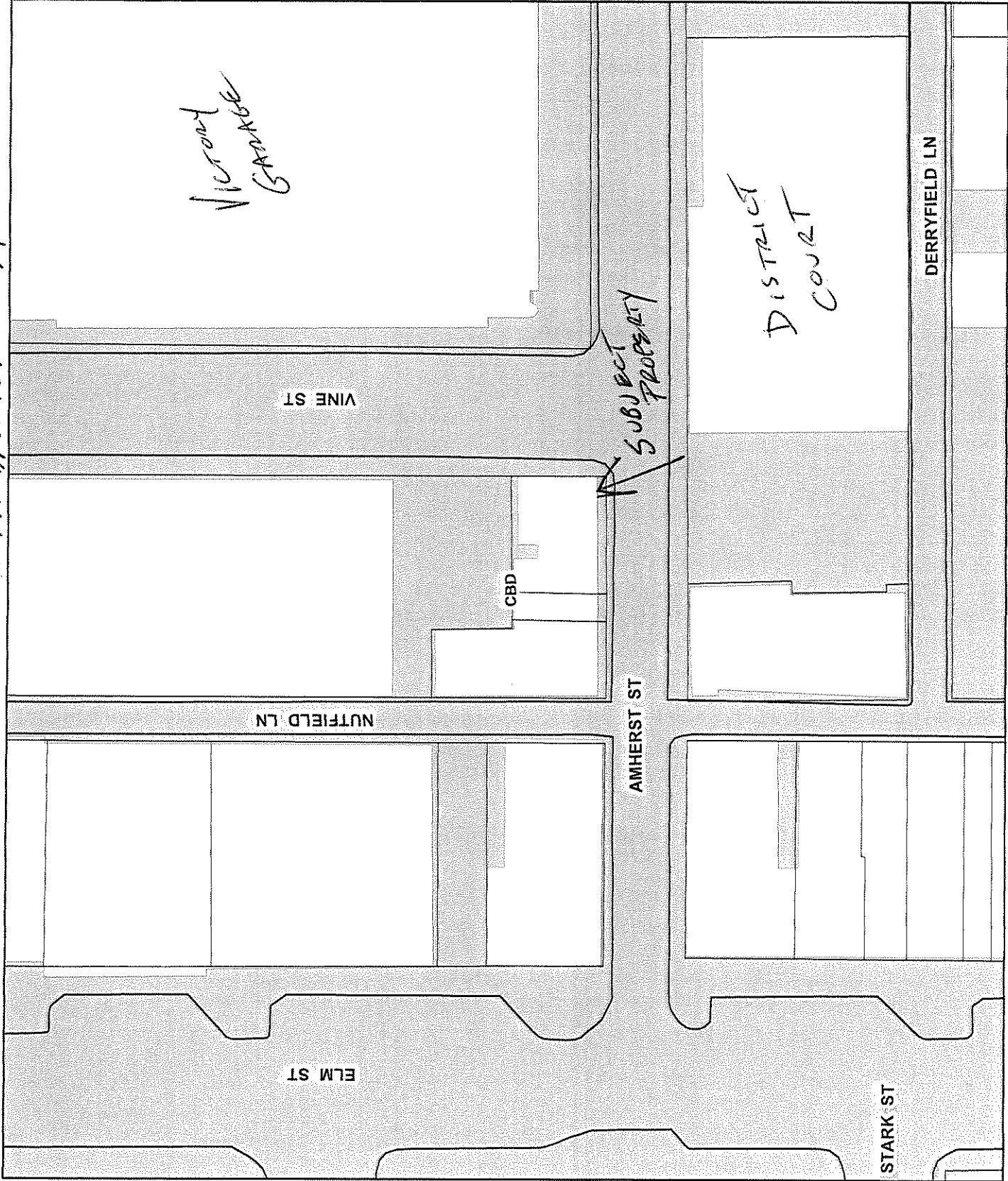
gohlund@manchesternh.gov

624-6505 x 4103

7/11/2011 11:11 AM



Inset Map Showing Extent of Map At Left



DISCLAIMER

The information appearing on this map is for the convenience of the user and is not an official public record of the City of Manchester, NH (the "City"). This map is not survey-quality. All data appearing on this map should only be considered approximations, and as such have no official or legal value. The City makes no warranty, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this information for any particular use. The City assumes no liability whatsoever associated with the use or misuse of this information. This map is not intended to be used in place of official public records from the City of Manchester, NH, or any other official records of various City, County, and State government agencies and departments, and are available for inspection and copying during normal business hours. By using this map, you agree to these terms and conditions.

November 16, 2007

Glen Ohlund
Development Coordinator
City of Manchester
Manchester Economic Development Office
One City Hall Plaza
Manchester, NH 03101

Re: Community Revitalization Tax Relief Incentive Application

Dear Glen:

The following is an overview of the renovations that have been taking place at the building located at 30 Amherst Street Manchester NH 03104.

The building was purchased on September 30, 2005 from William and Elaine Hood (former owners of "Albee's Restaurant"). At the time of purchase the building had the following tenants (attached please see copy of notice to tenants by former owner):

First Floor:

Tenants:

Vacant, formerly "Albee's Restaurant"

Second Floor:

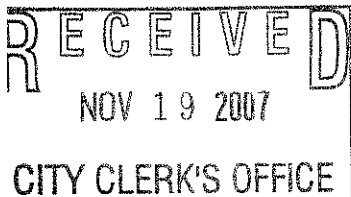
Tenants:

1. Crist Trucking Lease Agreement: June 2005 – June 2006
2. Law Office of Sean Curran Lease Agreement: August 2005 – August 2007

Third Floor:

Tenants:

1. B. Cole Appraisals Lease Agreement November 2004 - November 2006
2. Dante Baker Lease Agreement September 2005 – September 2006
3. Thomas Coughlin Lease Agreement November 2004 – November 2006



//

Due to the Lease Agreements in place at the time of purchase I had breakdown the building renovations in four phases as follows:

Phase 1: Renovations of the exterior/façade of the building which started on October 2005 and terminated on January 2006

Phase 2: Renovations of 1st Floor: Started on January 2006 Terminated September 2006

Phase 3: Renovations of 3rd Floor: Started on January 2007 Terminated October 2007

Phase 4: Renovations of 2nd Floor: Starting Date November 12, 2007 to be terminated on May 2008.

I hope you can consider my application for Tax Incentive. If you have any additional questions, I may be reached at 603-858-1019.

Sincerely,

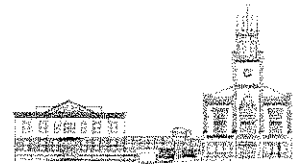
Max Pruna

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CITY OF MANCHESTER

Economic Development Office



Community Revitalization Tax Relief Incentive Application

Building Name (if any)	Owner Name(s) Max Pruna & Andrea E. Pruna
Building Address 30 Armherst Street Manchester NH 03101	Applicant Name(s) (if different from owner) Same
Owner Address (es) 1341 River Road Manchester NH 03104	Applicant Address (if different from owner) Same
Phone # Cell # 603-858-1019 Email address aprunamax@aol.com	Phone # Email address
Map# 0004 Lot# 0009	Book# 7556 Page # 1131
Year Built 1887 Square Footage of Building	Is the building eligible or listed on the State or National Register of Historic Places or located in a Local, State, or Federal Historic District? Yes _____ No <input checked="" type="checkbox"/> provide historic district name if applicable)
Existing Uses (describe number of units by type and size) Commercial/Restaurant 1st Floor Offices 2nd & 3rd floors	Is there a change of use associated with this project? _____ Yes _____ No <input checked="" type="checkbox"/> If so, please describe:
Proposed Uses (describe number of units by type and size) Commercial/Restaurant 1st floor Offices 5 per floor 2nd & 3rd floors	Has an abatement application been filed or has an abatement been awarded on this property within the past year? Yes _____ No <input checked="" type="checkbox"/>
Will the project include new residential units? _____ Yes <input checked="" type="checkbox"/> No If yes, please describe:	Will the project include new affordable residential units? _____ Yes <input checked="" type="checkbox"/> No If yes, please describe:

Note: Application must be accompanied by a \$50 Application Fee made payable to "City of Manchester"

Will any state or federal grants or funds be used in this project? If so, describe and detail any terms of repayment (if applicable) No

Describe the work to be done and estimated cost: please attach additional sheets if necessary and any written construction estimates

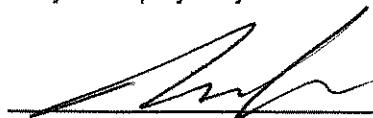
Note: The following are estimated costs for the 2nd floor only which needs to be done.

Structural: Framing of walls of office space + hallways	(See attached photos) \$ 10,000 ^{to} _≈ 12,000 K
Electrical: Upgrade all wiring/outlets/lights	\$ 15,000 ^{to} _≈ 18,000 K
Plumbing/Heating: Plumbing for bathrooms + heat	\$ 12,000 ^{to} _≈ 15,000 K
Mechanical: Drywall + Flooring.	\$ 15,000 ^{to} _≈ 20,000 K
Other: Fire Alarm + Mailboxes + Materials Doors, Trim for windows + doors + baseboard	\$ 24,000 ^{to} _≈ 30,000 K
Total: Note: To qualify for this tax relief incentive, the costs of the project must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less.	\$ 76,000 ^{to} _≈ 95,000 K

Please attach any plot plans, building plans, sketches, renderings or photographs that would help explain this application.

APPROVAL BY A MAJORITY OF MAYOR AND ALDERMEN REQUIRED

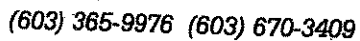
I have read and understand the Community Revitalization Tax Relief Incentive RSA Ordinance (see following pages) and am aware that this will be a public process including a public hearing to be held to discuss the merits of this application and the subsequent need to enter into a covenant with the City and pay any reasonable expenses associated with the drafting of the covenant.


Applicant: (signed)

Max Pruna
(name printed)

11/12/07
Date

Expected project start: Nov /07 Expected project completion: March/April 08



Number: E234

Date: **June 02, 2007**

Max Pruna
30 Amhesrt st
Manchester, NH.

Max Pruna
30 Amhesrt st
Manchester, NH.

Payment Schedule

Description	Amount
<p>Remodel 2nd floor as per plans submitted as follows:</p> <p>DEMO:</p> <p>Rip Remove entire 2nd floor walls, ceilings, floor coverings</p> <p>FRAME :</p> <p>Frame all new partition walls and exterior walls as per plan</p> <p>INSULATE: Insulate all exterior walls per code of city</p> <p>ELECTRIC: to code (# of outlets, switches, lights)</p> <p>DRYWALL: Install 1/2 drywall on all walls taped to a sanded finish</p> <p>FLOORS: Install all new carpet and pad throughout (\$27. allowance on carpet)</p> <p>Material & labor for all work stated above</p>	<p style="text-align: right;">\$3,355.00</p>
Total	\$3,355.00

Customer approval: _____

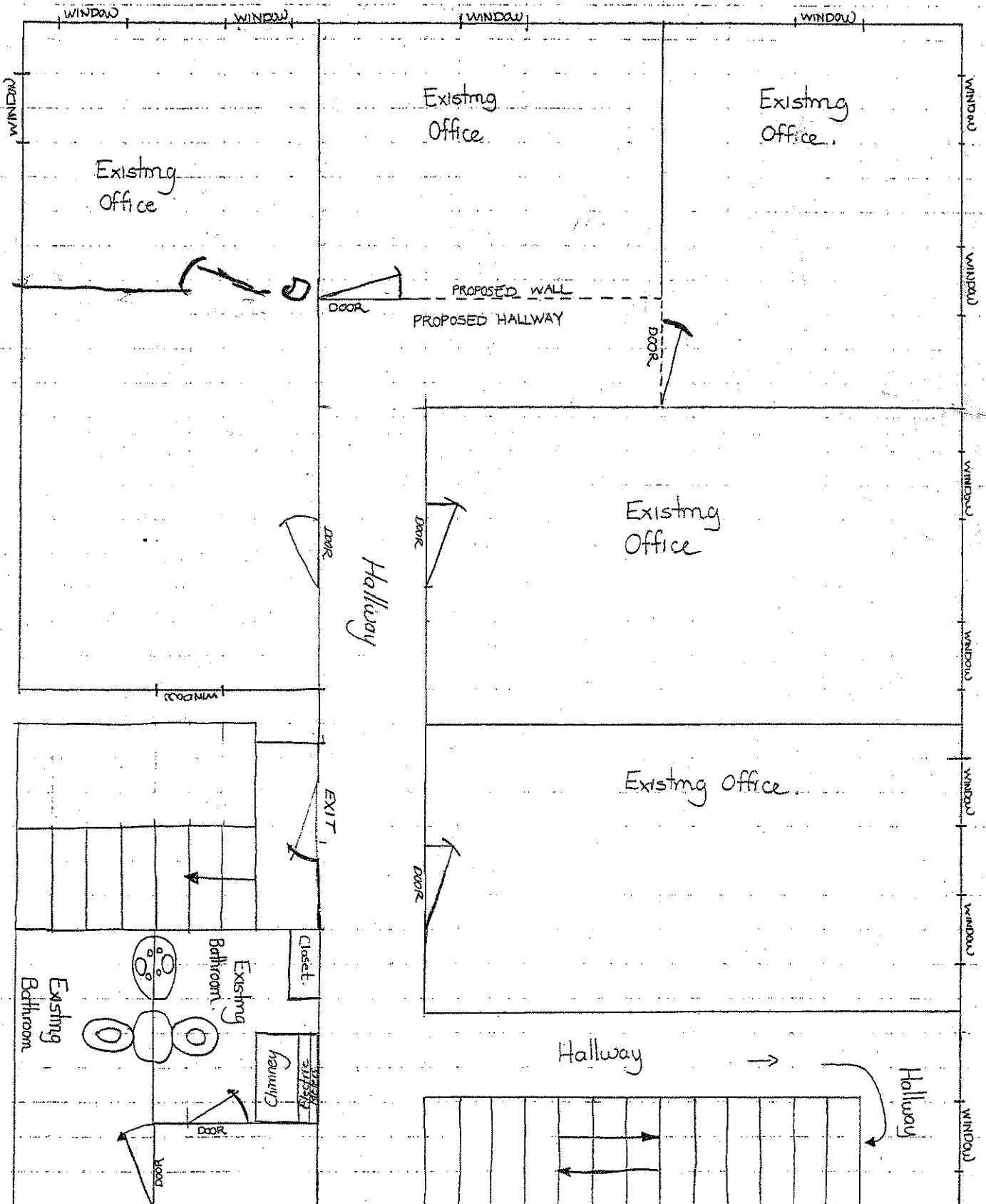
Established rep. approval: _____





2nd Floor

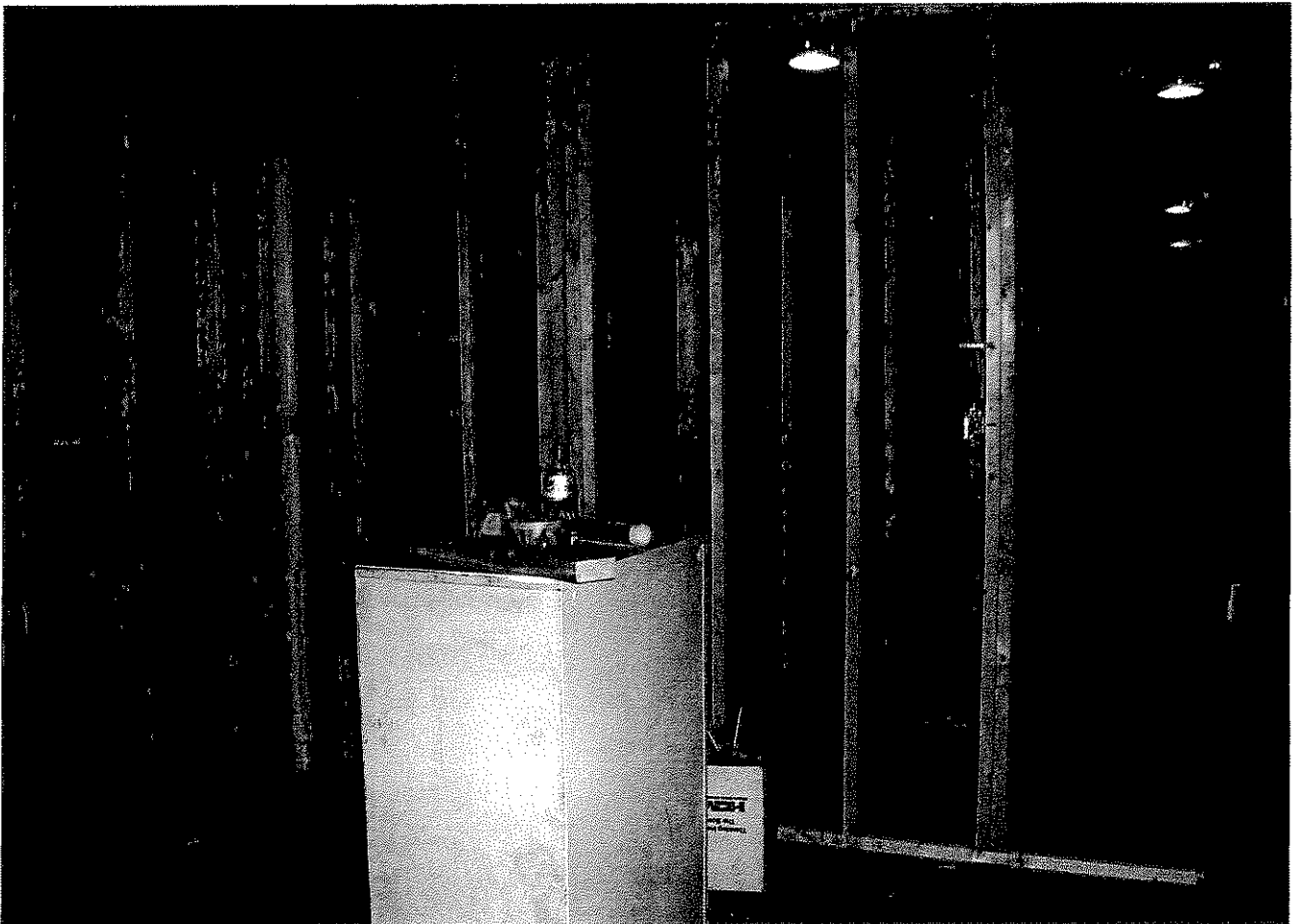
Scale 1-50.



Bathrooms



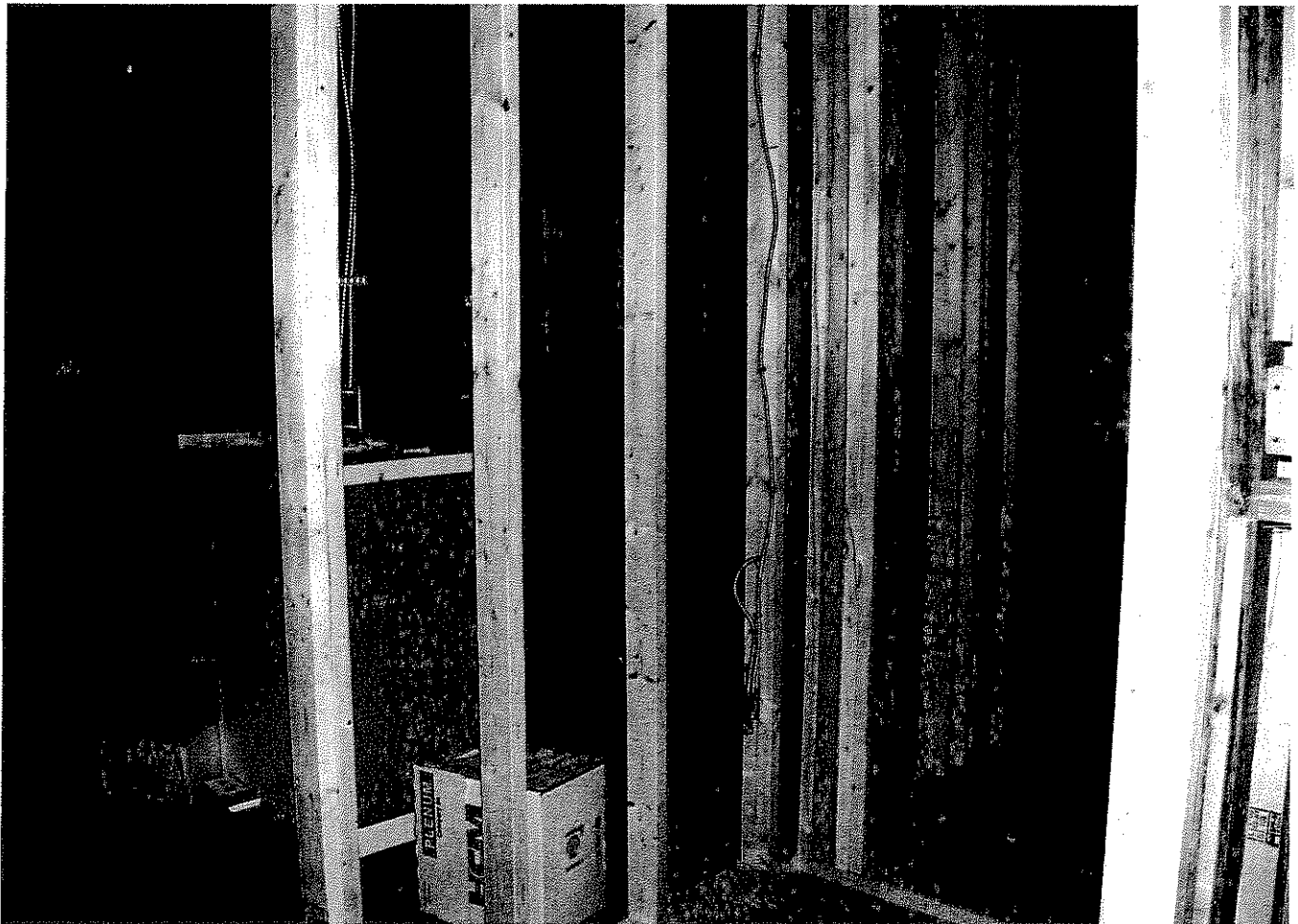
Office Area 2nd Floor.



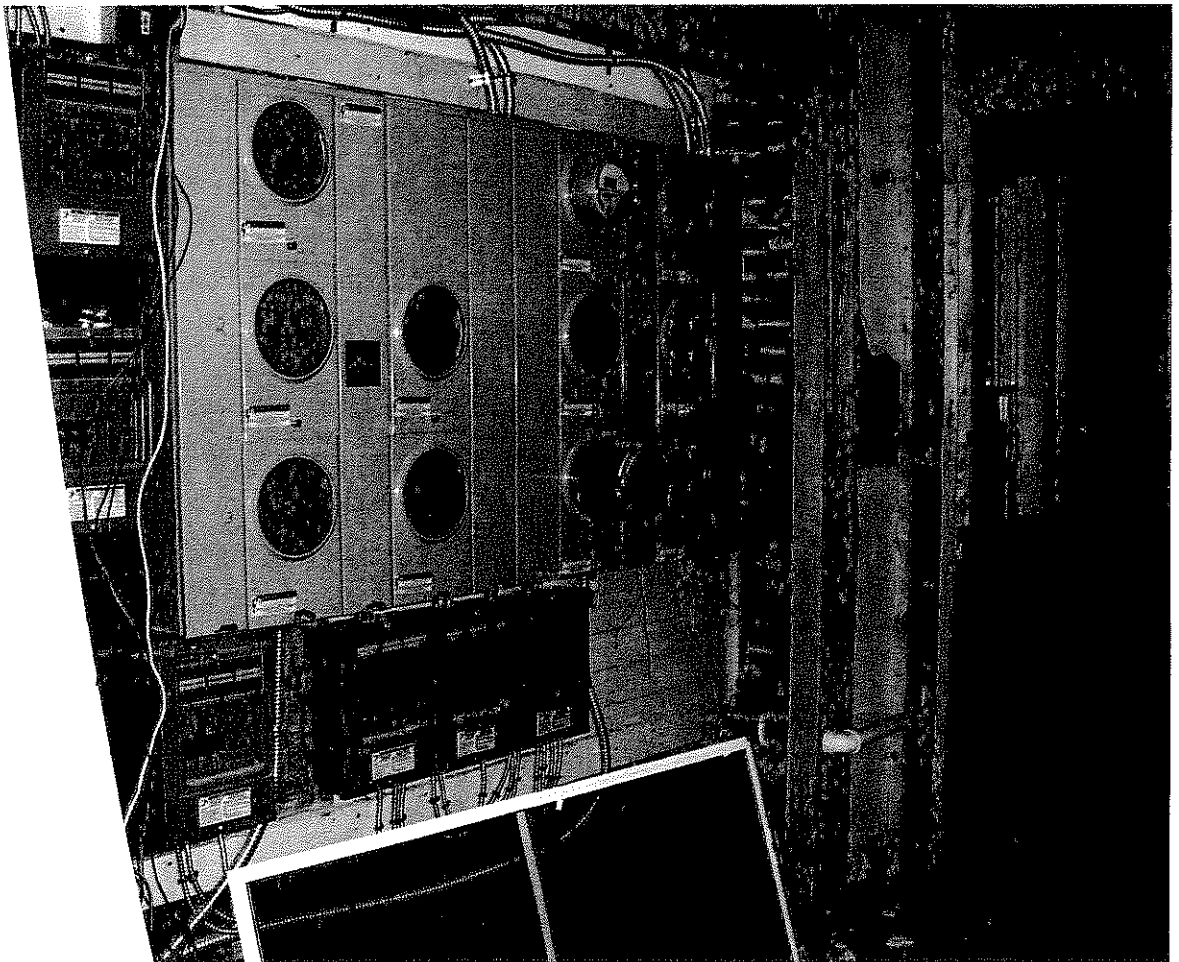
Hallway Office Area 2nd Floor



Office Area 2nd floor.



Bathrooms



William and Elaine Hood
P.O. Box 334
East Hampstead, NH 03826

September 30, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
U.S. POSTAL SERVICE FIRST CLASS

Mr. Bruce Cole
B. Cole Appraisals
25 Francesca Way
Nottingham, NH 03290

Re: Lease of Property at 30 Amherst Street, Manchester, NH

Dear Mr. Cole:

This letter is written relative to your current lease at 30 Amherst Street. The purpose of this letter is to comply with New Hampshire law relative to the sale of property and transfer of a security deposit.

Please be advised that on September 30, 2005, we conveyed title to the property at 30 Amherst Street, Manchester, New Hampshire to Pruna Holdings, LLC, a New Hampshire limited liability company with a principal place of business at 5 Foxwood Circle, Manchester, New Hampshire 03104. Pruna Holdings, LLC will be your landlord from this point forward, for the foreseeable future. Max Pruna is the Manager of Pruna Holdings, LLC and can be reached by telephone at (603) 626-6787.

Additionally, your security deposit in the amount of \$185.00 was transferred to Pruna Holdings, LLC, along with your lease. Pursuant to the provisions of New Hampshire RSA 540-A:6 III(c), we are hereby relieved of liability to you for the repayment of the security deposit. Pruna Holdings, LLC is now responsible for the return of the security deposit to you, provided you comply with the terms of the lease.

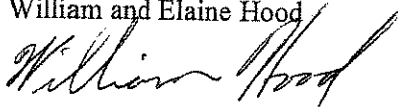
With respect to all matters occurring on or prior to September 30, 2005, please contact me by calling me by telephone at (603) 382-5641. After September 30, 2005, please contact Pruna Holdings, LLC by calling Max Pruna at (603) 626-6787.

Thank you for your past tenant relationship.

Very truly yours,

cc: James N. Tamposi, Jr., Esquire
Mr. Max Pruna

William and Elaine Hood



//

William and Elaine Hood
P.O. Box 334
East Hampstead, NH 03826

September 30, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
U.S. POSTAL SERVICE FIRST CLASS

Dante Baker
593 Hevey Street
Apartment No. 3
Manchester, NH 03103

Re: Lease of Property at 30 Amherst Street, Manchester, NH

To Whom It May Concern:

This letter is written relative to your current lease at 30 Amherst Street. The purpose of this letter is to comply with New Hampshire law relative to the sale of property and transfer of a security deposit.

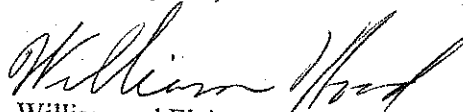
Please be advised that on September 30, 2005, we conveyed title to the property at 30 Amherst Street, Manchester, New Hampshire to Pruna Holdings, LLC, a New Hampshire limited liability company with a principal place of business at 5 Foxwood Circle, Manchester, New Hampshire 03104. Pruna Holdings, LLC will be your landlord from this point forward, for the foreseeable future. Max Pruna is the Manager of Pruna Holdings, LLC and can be reached by telephone at (603) 626-6787.

Additionally, your security deposit in the amount of \$00.00 was transferred to Pruna Holdings, LLC, along with your lease. Pursuant to the provisions of New Hampshire RSA 540-A:6 III(c), we are hereby relieved of liability to you for the repayment of the security deposit. Pruna Holdings, LLC is now responsible for the return of the security deposit to you, provided you comply with the terms of the lease.

With respect to all matters occurring on or prior to September 30, 2005, please contact me by calling me by telephone at (603) 382-5641. After September 30, 2005, please contact Pruna Holdings, LLC by calling Max Pruna at (603) 626-6787.

Thank you for your past tenant relationship.

Very truly yours,


William and Elaine Hood

cc: James N. Tamposi, Jr., Esquire
Mr. Max Pruna

11

William and Elaine Hood
P.O. Box 334
East Hampstead, NH 03826

September 30, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
U.S. POSTAL SERVICE FIRST CLASS

Mr. Thomas Coughlin
P.O. Box 352
Chester, NH 03036

Re: Lease of Property at 30 Amherst Street, Manchester, NH

Dear Mr. Coughlin:

This letter is written relative to your current lease at 30 Amherst Street. The purpose of this letter is to comply with New Hampshire law relative to the sale of property and transfer of a security deposit.

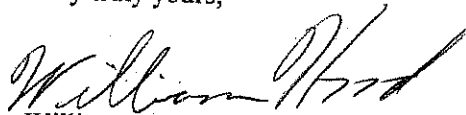
Please be advised that on September 30, 2005, we conveyed title to the property at 30 Amherst Street, Manchester, New Hampshire to Pruna Holdings, LLC, a New Hampshire limited liability company with a principal place of business at 5 Foxwood Circle, Manchester, New Hampshire 03104. Pruna Holdings, LLC will be your landlord from this point forward, for the foreseeable future. Max Pruna is the Manager of Pruna Holdings, LLC and can be reached by telephone at (603) 626-6787.

Additionally, your security deposit in the amount of \$270.00 was transferred to Pruna Holdings, LLC, along with your lease. Pursuant to the provisions of New Hampshire RSA 540-A:6 III(c), we are hereby relieved of liability to you for the repayment of the security deposit. Pruna Holdings, LLC is now responsible for the return of the security deposit to you, provided you comply with the terms of the lease.

With respect to all matters occurring on or prior to September 30, 2005, please contact me by calling me by telephone at (603) 382-5641. After September 30, 2005, please contact Pruna Holdings, LLC by calling Max Pruna at (603) 626-6787.

Thank you for your past tenant relationship.

Very truly yours,


William and Elaine Hood

cc: James N. Tamposi, Jr., Esquire
Mr. Max Pruna

11

William and Elaine Hood
P.O. Box 334
East Hampstead, NH 03826

September 30, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
U.S. POSTAL SERVICE FIRST CLASS

Mr. William Crist
219 Oak Street
Cornith, NY

Re: Lease of Property at 30 Amherst Street, Manchester, NH

Dear Mr. Crist:

This letter is written relative to your current lease at 30 Amherst Street. The purpose of this letter is to comply with New Hampshire law relative to the sale of property and transfer of a security deposit.

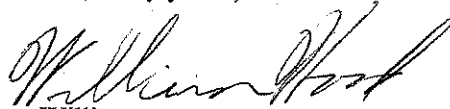
Please be advised that on September 30, 2005, we conveyed title to the property at 30 Amherst Street, Manchester, New Hampshire to Pruna Holdings, LLC, a New Hampshire limited liability company with a principal place of business at 5 Foxwood Circle, Manchester, New Hampshire 03104. Pruna Holdings, LLC will be your landlord from this point forward, for the foreseeable future. Max Pruna is the Manager of Pruna Holdings, LLC and can be reached by telephone at (603) 626-6787.

Additionally, your security deposit in the amount of \$145.00 was transferred to Pruna Holdings, LLC, along with your lease. Pursuant to the provisions of New Hampshire RSA 540-A:6 III(c), we are hereby relieved of liability to you for the repayment of the security deposit. Pruna Holdings, LLC is now responsible for the return of the security deposit to you, provided you comply with the terms of the lease.

With respect to all matters occurring on or prior to September 30, 2005, please contact me by calling me by telephone at (603) 382-5641. After September 30, 2005, please contact Pruna Holdings, LLC by calling Max Pruna at (603) 626-6787.

Thank you for your past tenant relationship.

Very truly yours,


William and Elaine Hood

cc: James N. Tamposi, Jr., Esquire
Mr. Max Pruna

11

William and Elaine Hood
P.O. Box 334
East Hampstead, NH 03826

September 30, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED AND
U.S. POSTAL SERVICE FIRST CLASS

Sean Emmet Curran
Law Office of Sean Emmet Curran
P.O. Box 3043
Manchester, NH 03105-3043

Re: Lease of Property at 30 Amherst Street, Manchester, NH

Dear Mr. Curran:

This letter is written relative to your current lease at 30 Amherst Street. The purpose of this letter is to comply with New Hampshire law relative to the sale of property and transfer of a security deposit.

Please be advised that on September 30, 2005, we conveyed title to the property at 30 Amherst Street, Manchester, New Hampshire to Pruna Holdings, LLC, a New Hampshire limited liability company with a principal place of business at 5 Foxwood Circle, Manchester, New Hampshire 03104. Pruna Holdings, LLC will be your landlord from this point forward, for the foreseeable future. Max Pruna is the Manager of Pruna Holdings, LLC and can be reached by telephone at (603) 626-6787.

Additionally, your security deposit in the amount of \$640.00 was transferred to Pruna Holdings, LLC, along with your lease. Pursuant to the provisions of New Hampshire RSA 540-A:6 III(c), we are hereby relieved of liability to you for the repayment of the security deposit. Pruna Holdings, LLC is now responsible for the return of the security deposit to you, provided you comply with the terms of the lease.

With respect to all matters occurring on or prior to September 30, 2005, please contact me by calling me by telephone at (603) 382-5641. After September 30, 2005, please contact Pruna Holdings, LLC by calling Max Pruna at (603) 626-6787.

Thank you for your past tenant relationship.

Very truly yours,


William and Elaine Hood

cc: James N. Tamposi, Jr., Esquire
Mr. Max Pruna

11

**CITY OF
MANCHESTER
EMPLOYEES'
CONTRIBUTORY
RETIREMENT
SYSTEM**

1045 ELM ST. • SUITE 403
MANCHESTER, NH 03101-1824
PHONE (603) 624-6506
FAX (603) 624-6342

Honorable Board of Mayor & Aldermen
C/O Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101

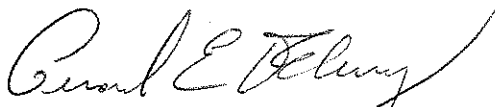
November 19, 2007

Honorable Members:

I am writing to inform you that the Manchester Employees' Contributory Retirement System has obtained sponsorship in the New Hampshire Senate for a single piece of legislation in the 2008 session of the legislature and to request your support for this initiative. This piece of legislation sponsored by Senator D'Allesandro and designated LSR 2008-S-2639-R, is a collection of five housekeeping measures designed to ensure seamless integration with legislation on civil unions which take effect in January of 2008, remove an obsolete reference to duties of the City Finance Director on the pension board, establish a collaborate definition with the City for a minimum participation standard in the pension plan, repeal a contentious and administratively expense provision dealing with worker's compensation offset, and add clarification on the tax treatment of pension contributions which have been in practice since 1986. No part of this amendment will result in an increased cost of operating the plan or affect the City's funding obligation, other than to avoid unwarranted costs. For that reason, this collection of housekeeping measures will not require a referendum vote on a City ballot. In order to pass the New Hampshire Legislature however, we are seeking the concurrence of the Board of Mayor and Aldermen on this bill so that the legislature will know that local authority has not been circumvented.

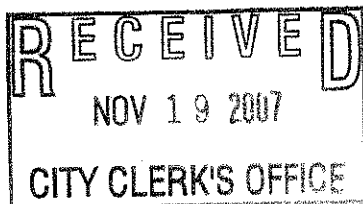
You have been provided with a draft of this legislation and I will be happy to appear before you to answer questions regarding this bill.

Respectfully,



Gerard E. Fleury – Executive Director
Manchester Employees' Contributory Retirement System

cc: MECRS Board of Trustees



172

Section 1 Header

2008 SESSION

08-2639.0

10/03

SENATE BILL ***[bill number]***

AN ACT making various changes to the city of Manchester employees contributory retirement system.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill amends the Manchester employees contributory retirement system as follows:

I. Defining spouse to include civil unions.

II. Removing a reference to the finance director.

III. Establishing a minimum participation standard for members in order to ensure that only employees working sufficient hours are enrolled.

IV. Repealing the worker's compensation offset provisions applied against disabled participants.

V. Clarifying the tax treatment of contributions by members.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eight

AN ACT making various changes to the city of Manchester employees contributory retirement system.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Manchester Employee's Contributory Retirement System; Spouse. Amend
2 1973, 218:4 as amended by 2002, 194:1 by inserting after paragraph XX the following new
3 paragraph:

4 XXI. "Spouse" means a person's husband or wife married or recognized pursuant to New
5 Hampshire law. A party to a civil union under RSA 457-A, shall be included in any definition or use
6 of the term "spouse," "dependent," "widow," or "widower" and other terms that denote the spousal
7 relationship in this act.

8 2 Board Duties; Reference Removed. Amend the introductory paragraph of 1973, 218:6, I as
9 amended by 2002, 194:1 to read as follows:

10 I. Contributions received by the retirement system pursuant to this act shall be deposited
11 into the retirement fund~~[The finance director of the city shall be the treasurer of the retirement~~
12 ~~fund]~~ which shall be a trust. The retirement board shall be trustee of the retirement fund and shall
13 have the obligation of a fiduciary of the retirement system and its members and beneficiaries. In the
14 fulfillment of its duties and responsibilities hereunder, the retirement board shall act solely in the
15 interests of the retirement system, the members, and the beneficiaries and with the care, skill,
16 prudence, and diligence under the circumstances then prevailing that a prudent person acting in a
17 like capacity and familiar with such matters would use in the conduct of an enterprise of a like
18 character and with like aims. As trustee, the retirement board shall hold legal title to all securities
19 and assets of the retirement system and shall have full control and management of them with the
20 power to invest and reinvest the same in accordance with the terms, conditions, limitations, and
21 restrictions imposed by the general statutes of the state of New Hampshire governing the
22 investment of trust funds. In addition to those powers, the retirement board, as trustee, shall also
23 have the power:

24 3 Employee Eligibility. Amend 1973, 218:7 as amended by 2002, 194:1 and 2005, 40:1 to read
25 as follows:

26 218:7 Employees to Whom the Act Applies.

27 I. ~~[All full-time and permanent part-time]~~ **Eligible** employees of the city, including elected
28 and appointed officials of the city, shall participate in the retirement system and receive benefits as
29 provided by the act. For purposes of this act, employees of the Manchester school district,
30 Manchester public library, and the Manchester contributory retirement system shall be city

Section 3 Header

- Page 2 -

employees. Participation in the retirement system shall be a condition of employment with the city. The following employees of the city shall not be eligible to participate in the retirement system:

- (a) Temporary employees;
- (b) Members of boards and commissions who are not ~~[part time or full time employees of]~~ **otherwise eligible as a result of employment** by the city;
- (c) Members of the fire and police departments who are eligible to participate in a state-administered retirement system;
- (d) Persons who are eligible to participate in the New Hampshire retirement system~~[-];~~ and

(e) Trustees of the Manchester contributory retirement system who are not otherwise eligible as a result of employment by the city.

II. Temporary employees of the city who become ~~[permanent employees]~~ **eligible to participate under paragraph IV** without incurring a break in service are eligible to participate in the retirement system as of their original date of hire if they complete a service buyback.

III. Any eligible employee in the employment of the city on January 1, 1974, who elected not to participate shall only be admitted to the retirement system upon completion of an application for participation, majority consent of the retirement board, passing a prescribed physical examination, and completion of a service buyback.

IV. Employees shall become eligible to participate as follows:

(a) *Employees of the city shall be eligible if they are employed 32 hours or more per week on a regularly scheduled basis of principal employment wherein the employee meets criteria established by the city for at least one other employee benefit, limited to vacation/sick leave pay or health insurance benefits, except that where no other benefits are provided an employee shall be eligible, based solely on 32 hours or more per week of employment; and*

(b) *Manchester school district employees shall be eligible if contracted for at least 30 hours per week, for a minimum of 180 days, except in the case of school food and nutrition staff who must work 20 hours per week, for a minimum of 180 days.*

V. *Any member whose hourly work status is subsequently reduced to a level below the minimum participation standards established in subparagraph IV(a) or (b), shall be ineligible for continued membership participation. Any member who remains in such status for a period of 90 days, and who has less than 5 years' accrued service, shall be entitled to receive a refund of accumulated contributions pursuant to section 11.*

VI. *Any member with more than 5 years of service, who continues to be ineligible for participation after the initial 90 day period described in paragraph IV, shall automatically be entitled to a vested deferred retirement allowance, as provided by*

Section 3 Header

- Page 3 -

1 *paragraph II of section 11. In lieu of a monthly retirement benefit, such member may elect*
2 *to receive a refund of accumulated contributions pursuant to paragraph I of section 11.*

3 *VII. Any employee who re-qualifies for membership by meeting the minimum*
4 *participation standards provided in subparagraph IV(a) or (b) and who received a refund*
5 *of accumulated contributions pursuant to paragraph V, may restore full service credit by*
6 *reinstating the funds in accordance with paragraph III of section 10. Upon re-*
7 *qualification for membership by an employee with 5 or more years of service, any notice of*
8 *intention to receive a vested deferred retirement benefit form filed in accordance with*
9 *paragraph II of section 11, shall be considered invalid.*

10 *VIII. Any actively contributing member of the system as of January 1, 2008 shall*
11 *continue to be eligible for membership in the Manchester employees' contributory*
12 *retirement system and shall not be affected by paragraph IV. Any such member who meets*
13 *the qualifications established in paragraph IV, who later experiences a reduction in hours*
14 *below the standards established in paragraph IV, shall be disqualified from continued*
15 *participation. Any member who remains in that status for a period of 90 days shall then be*
16 *entitled to either a vested deferred retirement benefit or a refund of contributions as*
17 *outlined in paragraphs V or VI.*

18 4 Contributions. Amend 1973, 218:9, II as amended by 2002, 194:1 to read as follows:

19 II.(a) The earnings of each member participating in the retirement system shall be reduced
20 by the contribution rate set forth in this section. Such contribution shall be transmitted immediately
21 to the retirement board.

22 (b) All contributions required to be made under this section with respect to
23 services rendered by an active member on or after January 1, 1986, shall be picked up by
24 the city and shall be treated as an employer's contribution in determining tax treatment
25 under Internal Revenue Code section 414(h)(2). For all other purposes, under this act and
26 otherwise, such pickup contributions shall be treated as contributions made by a member
27 prior to January 1, 1986. The city shall pay such picked up amounts from the same source
28 of funds which is used in paying earnings to the employee.

29 5 Repeal. 1973, 218:15, VI, as amended by 2002, 194:1, relative to worker's compensation offset
30 provisions applied to disabled participants, is repealed.

31 6 Effective Date.

32 I. Section 3 of this act shall take effect 90 days after its passage.

33 II. The remainder of this act shall take effect 30 after its passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.

ought to pass.

(Aldermen Duval, Lopez, Garrity, and Pinard recorded in favor; Alderman Gatsas opposed)

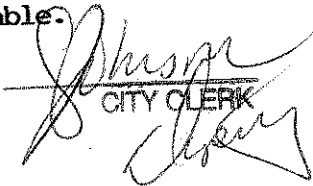
IN BOARD OF MAYOR & ALDERMEN

DATE: September 5, 2006

ON MOTION OF ALD. Garrity

SECONDED BY ALD. Smith

VOTED TO table.


CITY CLERK

Respectfully submitted,



Clerk of Committee

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, and 875-16."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. "Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (General Industrial/Industrial Park) located on Gold Street including Tax Map 875, Lots 14, 15, and 16, and being more particularly bounded and described as follows:

Beginning at a point on the centerline of the intersection of Gold Street and John E. Devine Drive extended, said point being on the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment;

Thence, easterly along the centerline of Gold Street, also being the zone boundary line between the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, approximately 965 ft. to a point;

Thence, southerly along the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, a distance of approximately 570 ft. to a point;

Thence, southwesterly along the zone boundary line of the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment, a distance of approximately 1,075 ft. to a point;

Thence, northwesterly generally along the centerline of the former Lawrence Branch of the Boston and Maine Railroad, a distance of approximately 1,090 ft. to a point, said point being the zone boundary line of the R-1B (Residential One-Family) zone district and the IND (General Industrial/Industrial Park) zone district, prior to this amendment;

Thence, easterly along the centerline of Gold Street, also being the new zone boundary line between the B-2 (General Business) zone district and the IND (General Industrial/Industrial Park) zone district, after this amendment, a distance of approximately 515 ft. to a point, said point also being the point of beginning.

Said description to include TM 875, Lot 14, Lot 15, and Lot 16 consisting of approximately 19.43 acres of private land, to be rezoned from IND (General Industrial/Industrial Park) to B-2 (General Business) zone district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.

DEVINE
MILLIMET

ATTORNEYS AT LAW

By Hand Delivery

SUSAN V. DUPREY
603.695.8505
SDUPREY@DEVINEMILLIMET.COM

June 19, 2006

Office of the City Clerk
One City Hall
Manchester, NH 03101-2097

RE: GFI Gold Street, LLC - Petition for Rezoning

Dear Sir or Madam:

Enclosed please find a Petition for rezoning parcels Map 875, Lot 15 and Map 875, Lot 16. Also enclosed is our check in the amount \$300.00. Our office represents GFI, which requests this rezoning.

Please feel free to contact me should you have any questions regarding this matter or if additional information is required. Thank you.

Very truly yours,


Susan V. Duprey

SVD:ml

Enclosures

J:\WDOX\DOCS\CLIENTS\16717\76570\M0875840.DOC

July 11, 2006.
In Board of Mayor and Aldermen.

On motion of Alderman Garrity, duly seconded by Alderman Forest, it was voted to refer the petition for rezoning to a Public Hearing on Monday, August 7, 2006 at 6 PM in the Aldermanic Chambers of City Hall and further to authorize execution of agreements enclosed subject to the review and approval of the City Solicitor.


City Clerk

**STATE OF NEW HAMPSHIRE
CITY OF MANCHESTER**

GFI GOLD STREET, LLC

PETITION FOR REZONING

NOW COMES the Petitioner, GFI Gold Street, LLC, by and through its attorneys, Devine, Millimet & Branch, Professional Association, and petitions the Board of Mayor and Aldermen of the City of Manchester, in accordance with Article 16 of the City of Manchester Zoning Ordinance, to change the zone of and amend the Zoning Map regarding 2 parcels of land, one of which is located at 725 Gold Street and the other of which is near Gold Street, County of Hillsborough, City of Manchester and identified as Map 875 Lot 15 and Map 875 Lot 16 in the tax records for the City of Manchester. In support thereof, Petitioner states as follows:

1. GFI Gold Street, LLC is the owner of record of that parcel of land located at 725 Street and identified as Map 875 Lot 15 in the tax records of the City of Manchester (Property 1). Property 1 is approximately 15.178 acres in size and was formerly the site of Associated Grocers which has since relocated. Property 1 is currently zoned Industrial.

2. Ashkars Children's Limited Liability Company and John N. Ashkars own a parcel near Gold Street which has no building situate on it and abuts Property 1 which land is identified as Map 875 Lot 16 in the tax records of the City of Manchester ("Property 2"). Property 2 is approximately 36,864 square feet in size and is also zoned Industrial. Property 2 is subject to a purchase agreement in favor of GFI Gold Street, LLC.

3. The Petitioner, GFI Gold Street, LLC, for itself as owner of Property 1 and as agent for the owners of Property 2, seeks to change the zoning classification of Property 1 and Property 2 from Industrial to B-2 in order to locate a retailer on Property 1 and Property 2.

4. A copy of the tax map showing Property 1 and Property 2 as situated in the Industrial Zone and the zoning designations for the surrounding properties is attached is Exhibit A.

5. It is believed that the change of zone will have little impact on the surrounding area in that much of the surrounding area was either zoned B-2, has been rezoned from

Industrial to B-2 or variances have been granted to allow uses permitted in the B-2 zone.

Changing the zone to B-2 will reduce heavy truck traffic in the area as Property 1 is now used as a 24 hour per day trucking terminal. Plans are being prepared to help address and to generally improve conditions on Gold Street.

6. This proposed change will have a substantial positive tax revenue impact for the City of Manchester and will have no effect on the environment as Property 1 is already developed for an industrial use. There will be no impact on municipal services or facilities.

7. The names, addresses, tax map numbers and lot numbers of all abutting property owners and all properties on the opposite side of the street from Property 1 and Property 2 are attached as Exhibit B.

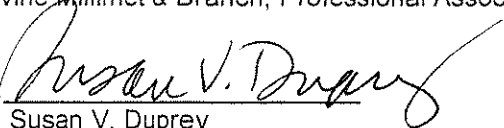
8. A metes and bounds description of Property 1 and Property 2 is attached as Exhibit C.

9. The Petitioner respectfully requests that the Honorable Board of Mayor and Aldermen approve this request to change the zone for Property 1 and Property 2 from Industrial to B-2 and to amend the Zoning Map to reflect this change.

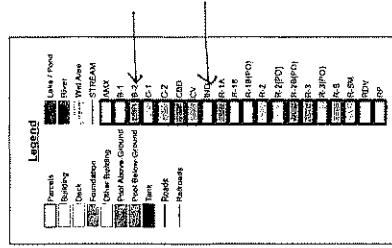
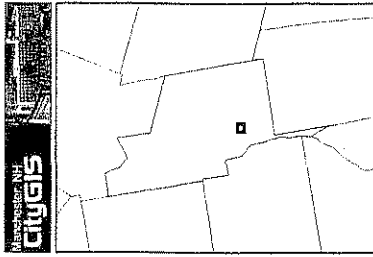
Respectfully submitted,

GFI Gold Street, LLC
By its Attorneys,
Devine Millimet & Branch, Professional Association

By

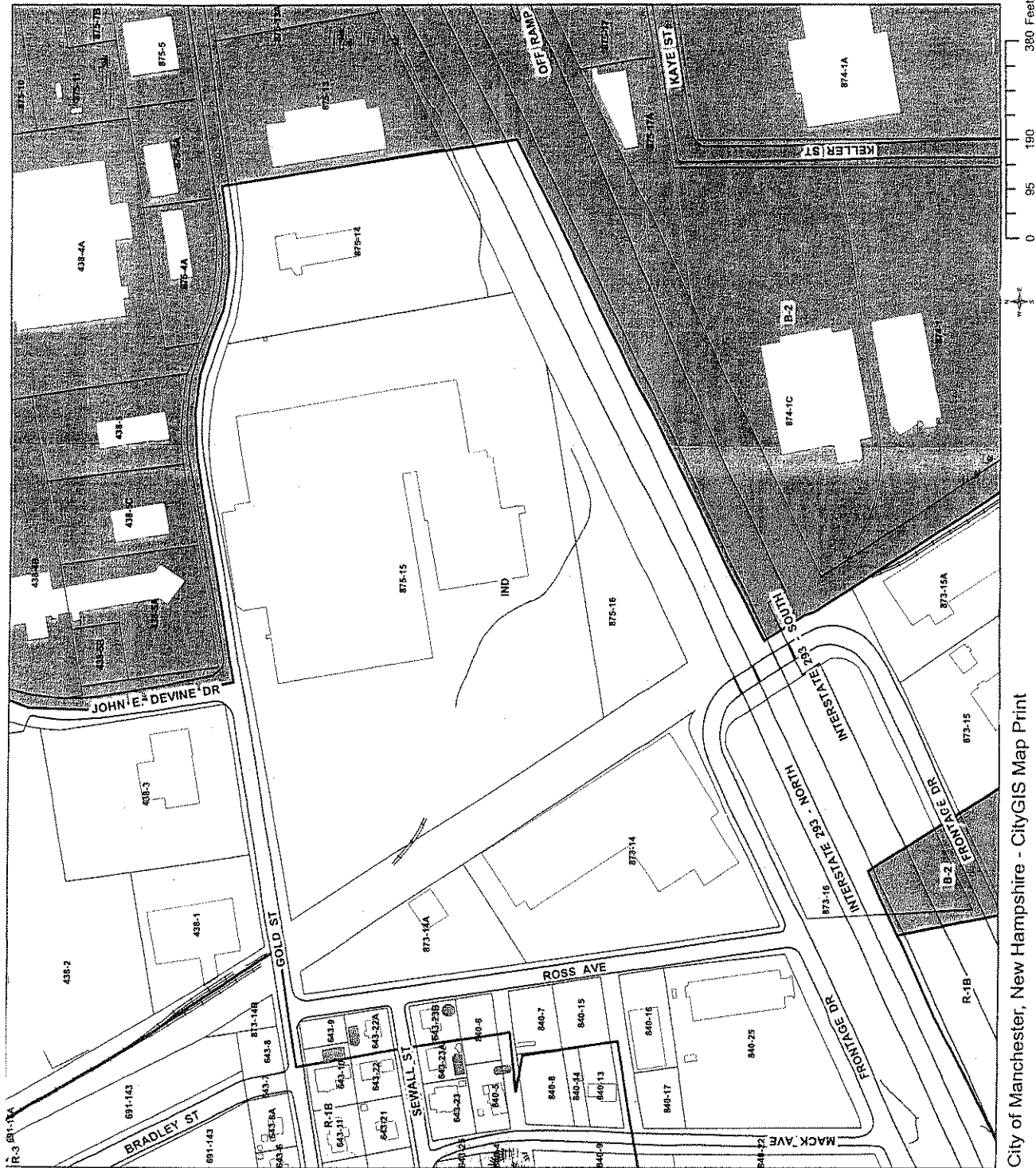

Susan V. Duprey
111 Amherst Street
Manchester, NH 03101
(603) 695-8505

Dated: June 19, 2006



DISCLAIMER

The information appearing on this map is for the convenience of the user and is not an official public record of the City of Manchester, NH (the "City"). The City does not warrant, represent, or guarantee the accuracy, completeness, reliability, or suitability of this information for any particular use. The City makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this information for any particular use. The City assumes no liability whatsoever associated with this information and its use. This information is provided to the user on an "as is" basis and is not intended to be used in place of any applicable laws, rules, regulations, or government agency and department, and is not a substitute for inspection and copying during normal business hours. By using this map, you agree to these terms and conditions.



City of Manchester, New Hampshire - CityGIS Map Print

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Exhibit C

Legal Description for Lot 875-15, located at 725 Gold Street, Manchester:

A certain tract or parcel of land with the buildings thereon, situate in Manchester, Hillsborough County, State of New Hampshire, being Lot 875-15 on Plan # _____, entitled "ALTA/ACSM Land Title Survey, 725 Gold Street in Manchester, New Hampshire (Hillsborough County), dated December 22, 2005, prepared by BSC Group, more particularly bounded and described as follows:

Beginning at a point on the northeasterly corner of the Lot on the southerly line of Gold Street; thence

1. South $9^{\circ} 17' 43''$ East, a distance of 80.15 feet to a concrete bound found; thence
2. South $09^{\circ} 76' 53''$ East, a distance of 488.15 feet by the westerly side of Lot 875-14; to a an iron pipe at the southeasterly corner of the lot; thence
3. South $64^{\circ} 53' 52''$ West, a distance of 310.73 feet by the northerly line of the Interstate Highway 293 to an iron pipe; thence
4. South $82^{\circ} 28' 33''$ West, a distance of 517.33 feet by the northerly line of Lot 875-16 to an iron pipe at the southeasterly corner of the premises; thence
5. North $32^{\circ} 51' 25''$ West, a distance of 21.90 feet to an iron pipe; thence
6. North $08^{\circ} 01' 16''$ West, a distance of 19.62 feet to an iron pipe; thence
7. North $32^{\circ} 51' 25''$ West, a distance of 714.62 feet by the easterly side of the rail road tracks to an iron pipe at the northwest corner of the premises on the southerly line of Gold Street; thence
8. North $80^{\circ} 33' 28''$ East, a distance of 305.63 feet by the southerly line of Gold Street to an iron pipe; thence
9. North $80^{\circ} 16' 28''$ East, a distance of 586. 18 feet by the southerly line of Gold Street to an iron pipe; thence
10. Curving in a southeasterly direction with a radius of 399.80 feet, along the southerly line of Gold Street, a distance of 230.44 feet to the point of beginning.

Containing 15.178 Acres, more or less.

Legal Description for Lot 875-16, located on Gold Street, Manchester:

A certain Tract or parcel of land, situated in Manchester, bounded and described as follows:

Beginning at a point on the southwest corner of the premises north of the Interstate Highway 293, thence

1. North $32^{\circ} 51' 25''$ West along said Manchester-Lawrence Railroad for a distance of 157.68 feet, more or less to an iron post set at land of Associated Grocers; thence
2. South $82^{\circ} 28'$ East for a distance of 517.33 feet, more or less to the interstate Highway 293; thence
3. South $64^{\circ} 53' 52''$ West for a distance of 471.90, along said Interstate Highway 293 to the point of beginning.

J:\wdox\docs\clients\16717\76570\M0869436.DOC

RECEIVED
MANCHESTER CITY CLERK

Ashkar Children's Trust Limited Liability Company
Mrs. Georgette Ashkar, Managing Member
6160 East Quincy Avenue
Cherry Hills Village, CO 80111
(303) 796-8128

Mr. John Ashkar
29 Fairmount Drive
Danbury, CT 06811
(203) 792-4963
JUN 20 12:21

June 19, 2006

The Board of Mayor and Aldermen
of the City of Manchester
One City Hall
Manchester, NH 03101-2097

Re: Authorization to Pursue Rezoning

To Whom It May Concern:

We, the undersigned, being the owners of the real property sometimes referred to as Map 875, Lot 16, located near Gold Street in Manchester, New Hampshire, hereby grant our authority to GFI Gold Street, LLC, to take any and all actions required or deemed necessary to re-zone the property from "Industrial" to "B 2".

Thank you for your attention to this matter, and if you have any questions please contact our counsel, Susan Perkins of Perkins Ruschena, LLC, at (303) 779-8100.

Sincerely,

Ashkar Children's Trust Limited Liability
Company


By: Georgette Ashkar, Managing Member


By: John Ashkar



CITY OF MANCHESTER

Planning and Community Development

Robert S. MacKenzie, AICP
Director

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

June 28, 2006

Mr. Leo Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: *Technical Review, Rezoning Petition – Gold Street*

Dear Mr. Bernier:

In accordance with the procedures on rezoning requests, the following information is being provided to your office in consideration of a rezoning request filed by the owner of one property and agent for a second property on Gold Street (including two lots: Lot 875-15 and 875-16). The subject parcels are located on the south side of Gold Street east of the former Lawrence Rail Branch. The first property is 15.2 acres currently containing the Associated Grocers Building and the second is .85 acres in size that is vacant. The subject properties are currently zoned *Industrial (IND)*. The applicant is requesting that the zoning district be changed to General Business (*B-2*).

Presently, while the parcels are adjacent to a B-2 on one side, the rezoning action would create one parcel that would be zoned IND and surrounded by B-2. As this could be considered spot zoning, we would recommend that the parcel at 835 Gold Street (Lot 875-14; 3.42 acres) also be considered by the Board for rezoning from IND to B-2. In the 1993 Master Plan for the City of Manchester, this area was identified as Industrial land use although the plan also recognized that extension of the business zone into areas of industrial zone was likely and that certain precautions should be taken. The key precaution from the Master Plan as it relates to this rezoning request states "...the proposed district should be evaluated to insure that possible projects will not encourage additional traffic impacts upon residential areas..." The applicants, working with the City, have devised a traffic calming plan to mitigate impacts on Gold Street and Sewall Street which may be considered by the Board of Mayor and Aldermen.

From a technical perspective, the petition may be forwarded to the Board of Mayor and Aldermen for consideration. Consistent with the policy for rezoning petitions, the planning staff is providing a copy of the petition to the Planning Board, the Building Department and the Office of the City Solicitor for comment.

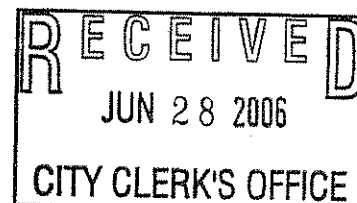
I will be available for any questions that the Board may have.

Sincerely,



Robert S. MacKenzie, AICP
Planning Director

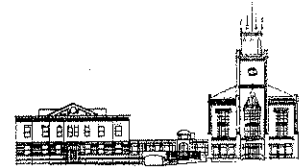
C: Planning Board
Office of the City Solicitor
Building Department
Economic Development Office
One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov





CITY OF MANCHESTER

Manchester Economic Development Office



August 3, 2006

Honorable Board of Mayor and Aldermen
City of Manchester
One City Hall Plaza
Manchester, NH 03101

RE: Proposed Amendment to Zoning Map – Gold Street

Honorable Board Members:

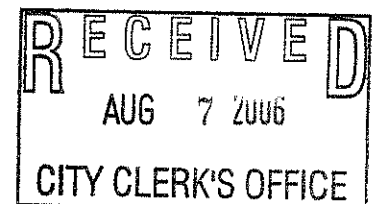
This to recommend the extension of the B-2 Zoning District to encompass the former Associated Grocer's Site, 725 Gold Street and an adjacent parcel. The proposed redevelopment of the Associated Grocers site into a new Home Depot store is projected to cost over \$21,000,000 and generate \$193,000 in new property tax revenue to the City annually. In addition the project will allow Home Depot to expand in the City of Manchester, rather than relocating out-of-town. The existing space leased by Home Depot is in great demand by quality national retailers and will be redeveloped in short order.

In addition GFI/Home Depot development venture is contributing \$4,000,000 to the Gold Street Improvement Project. This project will widen and/or bypass narrow portions of Gold Street and improve and signalize neighborhood street intersections resulting in improved traffic flow, increased safety, curbside visitor parking, sidewalks and landscaping. This improvement to Gold Street will enable the City to entertain additional retail zoning requests near the Associated Grocer/Home Depot site which could generate significant additional investment and new property tax revenue while reducing industrial traffic truck traffic in the area. Based on acreage and lot coverage projections, the City could realize as much as \$184,000 in additional new property tax revenue from future adjacent retail development. In addition, the City could negotiate to recover a portion of the City's Gold Street improvement costs from future developers.

The Gold Street site is adjacent to the growing and successful South Willow Street retail district in close proximity to residential neighborhoods. Industrial truck traffic is incompatible with consumer and neighborhood traffic automobile. In my recommendation that the highest and best use of this site is retail, not industrial.

Sincerely,

Paul J. Borek
Economic Development Director



To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery

ought to pass.

(Aldermen Duval, Lopez, Garrity, and Pinard recorded in favor; Alderman Gatsas opposed)

IN BOARD OF MAYOR & ALDERMEN

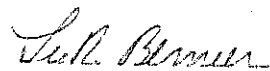
DATE: September 5, 2006

ON MOTION OF ALD. Garrity


SECONDED BY ALD. Smith

VOTED TO table

Respectfully submitted,



Clerk of Committee


CITY CLERK

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery"

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery and being more particularly bounded and described as follows:

Beginning at a point at the centerline of Bradley Street at a point opposite the property lines of New Beech Hill Development Company, LP (TM 691-15A) and the Diocese of Manchester (shown on a subdivision plan approved by the Planning Board on February 23, 2006 as TM 691-143-1), said point being on the zone boundary line of the R-3 (Urban Multi-family) district and the R-1B (Single-family), prior to this amendment;

Thence, westerly across the Right of Way of Bradley Street and continuing along the northerly boundary of said property of the Diocese of Manchester TM 691-143-1, said line also being the zone boundary line between the R-3 (Urban Multi-family) district and the R-1B (Single-family), prior to this amendment, approximately 1206 ft. to a point;

Said point being the end of the northerly boundary of the Diocese of Manchester TM 691-143-1, and at the intersection with the following properties: TM 691-143, TM 691-135, TM 691-136 and TM 691-15A;

Thence, southerly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of 285.94 ft. to a point;

Thence, easterly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of 295.71 ft. to a point;

Thence, southerly along the boundary of property of the Diocese of Manchester TM 691-143-1 a distance of approximately 130 ft. to a point, said point being on the edge of the proposed Right of Way of the Gold Street Bypass;

Thence, easterly across the Right of Way of the Gold Street Bypass to the centerline of said Bypass a distance of approximately 30 feet to a point;

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St Augustin's Cemetery"

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Thence, northeasterly and easterly along the centerline of the Right of Way of the Gold Street Bypass as extended to the centerline of Bradley Street a distance of approximately 1,017 feet to a point;

Thence northerly along the centerline of Bradley Street to a point opposite the property lines of New Beech Hill Development Company, LP (TM 691-15A) and the Diocese of Manchester (TM 691-143-1) a distance of approximately 324 feet to a point, said point also being the point of beginning.

Said description meaning to include a portion of property of the Diocese of Manchester (shown on a subdivision plan approved by the Planning Board on February 23, 2006 as TM 691-143-1) consisting of approximately 8.1 acres of private land, to be rezoned from the R-1B (Single-family) zoning district to the R-3 (Urban Multi-family) zoning district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.



Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

July 20, 2006

Honorable Board of Mayor and Aldermen
City Hall
One City Hall Plaza
Manchester, New Hampshire 03101

re: Rezoning of Diocese Property behind Gold Street

Honorable Board Members:

This is to submit a request for rezoning for a portion of the Diocese Property adjacent to the proposed Gold Street Bypass from a single-family district (R-1B) to a multi-family district (R-3). The agreement that the Board recently acted upon called upon the City to initiate this rezoning. The Diocese has offered to donate the land necessary to create the new Gold Street Bypass as part of an overall plan to mitigate traffic in the area.

As this rezoning and the subsequent dedication of street area is necessary to complete the traffic improvements, it may be appropriate for the Board to time the final action on the rezoning of the Associated Grocers site with the rezoning of the Diocese property to insure that the creation of the Bypass is feasible.

From a technical standpoint, the Diocese rezoning is an extension of an existing multi-family zoning district and there are no other specific issues to preclude the rezoning to proceed to public hearing.

If you have any questions, I will be available at your next meeting.

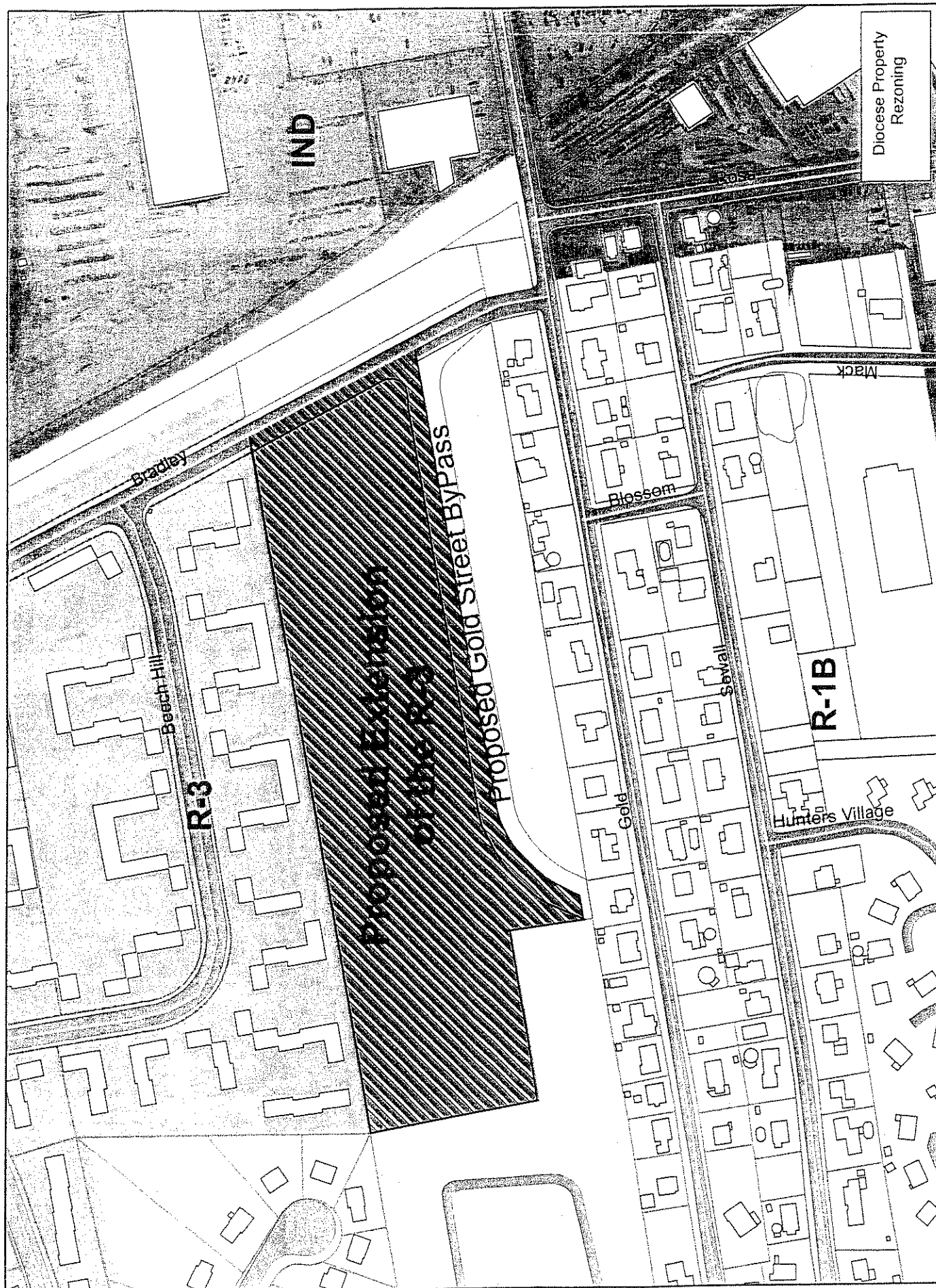
Sincerely,

Robert S. MacKenzie, AICP
Director of Planning & Community Development

C: Planning Board
Building Department
Brad Cook
Tom Arnold
Paul Borek

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov

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CITY OF MANCHESTER

Manchester Economic Development Office



August 3, 2006

Honorable Board of Mayor and Aldermen
City of Manchester
One City Hall Plaza
Manchester, NH 03101

RE: Proposed Amendment to Zoning Map – Diocese Property Behind Gold Street

Honorable Board Members:

This is to recommend that the R-3 Zoning be extended south to encompass a 9-acre parcel created by the Manchester Diocese donation of right-of-way for the proposed Gold Street Bypass. The remaining Diocese property, between the new Gold Street Bypass and existing single family homes will retain single family zoning allowing for a compatible buffer between existing homes and the proposed Bypass.

By donating the requested right-of-way, the Manchester Diocese enabled the City of Manchester, with the generous assistance of Home Depot, to solve a decades old traffic problem in the Gold Street neighborhood. Without the Diocese donation of right-of-way, further redevelopment of the Gold Street would be prohibited. Doing so allows Home Depot to expand, create new property tax revenue and allows other retailers to expand in or relocate to adjacent parcels the City of Manchester.

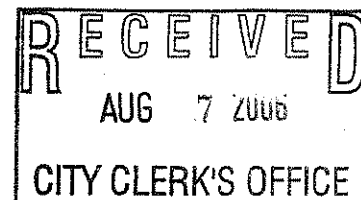
The Global Economic Development Strategy prepared by AngelouEconomics recommends that the City of Manchester “promote diverse housing that is affordable for local workers”, noting the following excerpt from the National League of Cities (<http://wwwnlc.org>):

Local governments are responsible to their residents for maintaining communities where their people can live, work, enjoy recreational activities, and access services. Affordable housing, comprehensive community development, and well-planned and coordinated land use foster communities that are vibrant, diverse and sustainable. Further, these are critical components to the economic vitality of communities and local economic regions for creating jobs and increasing municipal tax base.

While this parcel is being considered for market rate development, Manchester’s growing employee base in The Millyard, Downtown and throughout the City includes skilled technology and financial service professionals who need housing appropriate to their desires, lifestyle and budgets. New Hampshire business leaders and demographic experts have articulated concerns about maintaining sufficient housing availability for the demand of a growing business economy. The requested rezoning helps to address the need for housing to accommodate the growing Manchester employment base. For these reasons, your approval of this request is recommended.

Sincerely,

Paul J. Borek
Economic Development Director



One City Hall Plaza, Manchester, NH 03101 Phone (603) 624-6505 Fax (603) 624-6308
E-mail: econdev@ci.manchester.nh.us www.ci.manchester.nh.us

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To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully advises, after due and careful consideration, that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.

(Unanimous vote)

IN BOARD OF MAYOR & ALDERMEN

DATE: May 15, 2007

ON MOTION OF A.L.D. Forest

SECONDED BY A.L.D. Shea

VOTED TO table.

L. H. Bernier
CITY CLERK

Respectfully submitted,

L. H. Bernier

Clerk of Committee

8-24-06 Tabled
10-23-06 Remained
Tabled



**City of Manchester
Department of Finance**

One City Hall Plaza
Manchester, New Hampshire 03101
Phone: (603) 624-6460
Fax: (603) 624-6549

August 9, 2006


Alderman Michael Garrity
C/O Mr. Leo Bernier
City Clerk
One City Hall Plaza
Manchester, NH 03101

Dear Alderman Garrity,

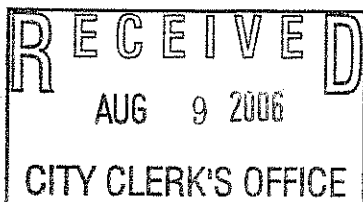
Attached is a copy of correspondence from Lowell Terrace Associates proposing a mortgage/debt consolidation for the property on the northwest corner of Lowell and Chestnut Streets. This is the item that I spoke to you about last week. With your permission, I would like to have the item discussed at the next CIP Committee meeting.

The proposal from the partnership has already been reviewed by the City Solicitor, Economic Development Director, and the Mayor's Office. Please feel free to contact me with any questions.

Sincerely,


Kevin A. Clougherty
Finance Officer

C: Thomas Clark
Paul Borek
Randy Sherman
Mayor Frank Guinta
Ken Edwards, MHRA
Peter Morgan, Property Services
Tom Musgrave, William Steele Associates



15

WILLIAM STEELE & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

40 STARK STREET

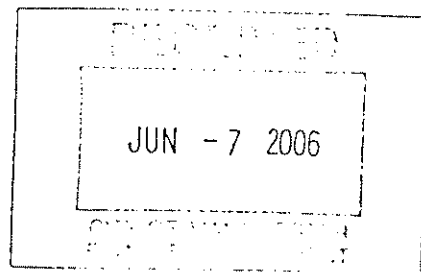
MANCHESTER, NEW HAMPSHIRE 03101

OFFICE 603-622-8881

FAX 603-647-4520

June 6, 2006

Mr. Kevin Clougherty, Finance Director
City of Manchester
One City Hall Plaza East
Manchester, NH 03101



RE: Lowell Terrace Associates

Dear Kevin:

Thank you for arranging the meeting on May 4, 2006. The meeting and subsequent telephone call the week of the 22nd was helpful. I believe we have reached some meaningful preliminary agreements concerning the terms of the original Promissory Note (Note) and subsequent amendment and modifications that will allow us to resolve the remaining issues to our mutual satisfaction.

Based on our discussions, it is my understanding that Lowell Terrace Associates (LTA) and the Manchester Housing Authority (City) agree on the following.

First, the \$1,250,000 portion of the Note is not due at this time. LTA and the City agree that the 1994 Promissory Note Amendment and subsequent modifications have extended the due date of the \$1,250,000 portion of the Note to July 1, 2013. The principal balance outstanding on this portion of the loan was \$559,811 as of December 31, 2005. Based on continuing monthly payments of \$6,885.71, this portion of the loan will be paid in full on July 1, 2013.

Second, the \$250,000 portion of the Note is due. As you know, this \$250,000 portion of the original loan has all of the characteristics of a fifty percent (50%) equity interest in the partnership. These characteristics will be described in more detail in the paragraphs that follow. The City has asked LTA to make a proposal concerning the amount of the pay off.

LTA is prepared to make the City an offer to settle the \$250,000 portion of the original loan and, once the City has reviewed and accepted the proposal, LTA will immediately seek replacement financing to pay off the City.

The original Note terms relating to the \$250,000 portion of the loan have all of the characteristics of a 50% equity interest in the partnership. Section 4 of the Note contains these provisions.

Section 4.a) of the Note describes LTA's obligation to pay interest to the City equal to 50% of the project's cash flow. In this regard, whenever LTA has made cash distributions of accumulated cash flow to its partners, a corresponding and equal cash payment has been made to the City. In connection with its settlement proposal, LTA is prepared to pay to the City 50% of the cash in its accounts, excluding cash held by LTA representing tenant deposits.

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Mr. Kevin Clougherty, Finance Director
June 6, 2006
Page 2

Section 4.b) of the Note describes LTA's obligation on the twentieth anniversary date of the loan. There has been some disagreement and or misunderstanding concerning this particular provision of the loan. The City, as I understand it, feels that it would be inappropriate to reduce its entitlement under Section 4.b) of the Note by the balance outstanding on the \$1,250,000 portion of the loan. LTA maintains that the balance outstanding on the \$1,250,000 portion of the loan must be taken into account when calculating the City's entitlement. If the outstanding balance on the \$1,250,000 portion of the loan were not taken into account, the City would receive a payment exceeding the value of its 50% equity interest in the project.

Neither party expected an outstanding balance on the \$1,250,000 portion of the loan when the balloon payment due date provision for the \$250,000 portion of the loan was drafted in 1984. However, due to economic circumstances beyond the control of LTA and the City, the project was not able to service its debt and fell behind on its property taxes. Rather than assert its rights as a lien holder entitled to the delinquent property taxes, or assert its rights as the holder of the Note (which was headed into default), the City agreed to certain modifications of the Note in lieu of initiating action to take possession of the partnership's property. I submit to you that the City's actions were well reasoned and were motivated, in principal part, by the desire to protect its right to repayment of the entire outstanding balance of the loan (a balance exceeding \$1,217,000 at the time). It is not inconceivable that the City could have lost hundreds of thousands of dollars had it chosen to take possession of the property in 1994. Instead, the City acted in a manner that was both prudent and in its best interests as a lender and owner of 50% of the partnership equity. The City's actions also allowed the partners of LTA an opportunity to salvage their own 50% equity interest.

In LTA's opinion, the City's balloon payment entitlement on the \$250,000 portion of the original Note must take into account the balance outstanding on the \$1,250,000 portion of the Note. If the City's entitlement were calculated in any other manner, it would contradict the business deal between LTA and the City wherein the City was awarded a 50% equity interest in the project for its \$250,000 loan.

LTA's proposal to pay off the \$250,000 portion of the loan has been determined by treating the City as a 50% equity owner in the partnership. More specifically, the attached calculations estimate the City's balloon payment entitlement under Section 4.b) of the Note by projecting the net cash proceeds available to the partnership assuming a hypothetical sale of the property on August 1, 2006, followed by a distribution of the partnership's net assets in liquidation of the partnership.

The following assumptions are integral parts of the attached calculations.

1. The market value of the property is equal to its assessed value of \$1,255,800.
2. The outstanding principal balance on the \$1,250,000 portion of the loan is \$515,536 on August 1, 2006.

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Mr. Kevin Clougherty, Finance Director
June 6, 2006
Page 3

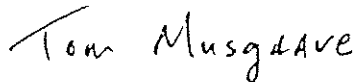
3. A 4% commission would be paid to a third-party broker to facilitate the sale.
4. A New Hampshire real estate transfer tax equal to .75% of the market value would be payable.
5. A New Hampshire Business Profits Tax equal to 8.5% of the gain recognized on sale would be payable.
6. There will be approximately \$150,000 of cash or marketable securities in the partnership's accounts on August 1, 2006.

Based upon the assumptions listed above, LTA estimates the City's entitlement on the \$250,000 portion of the original loan to be \$367,065.

After you have had an opportunity to review this proposal and discuss it with other interested parties, please call me and let me know how you would like to proceed.

Very truly yours,

WILLIAM STEELE & ASSOCIATES, P.C.



Thomas W. Musgrave, CPA

Enclosure

cc: Richard W. Hale w/enclosure
Peter A. Morgan w/enclosure

15

LOWELL TERRACE ASSOCIATES
HYPOTHETICAL SALE AND LIQUIDATION ANALYSIS
AS OF AUGUST 1, 2006

PROJECTED CASH AVAILABLE UPON LIQUIDATION

Estimated Cash and Value of Marketable Securities	150,000
Net Sale Proceeds - See Below	<u>1,196,150</u>
Estimated Cash Balance and Marketable Securities Value	1,346,150
Projected NH Business Profits Tax	(96,484)
Payoff Balance on \$1,250,000 Portion of Loan	<u>(515,536)</u>
Net Cash Available for Distribution	734,129
City's Equity Interest	<u>50.0%</u>
City's Equity Entitlement	<u><u>367,065</u></u>

HYPOTHETICAL SALE OF PROPERTY

Gross Sale Proceeds	1,255,800	Based on Assessed Value
Third-Party Commission @ 4%	(50,232)	
Real Estate Transfer Tax	<u>(9,419)</u>	.75% x 1,255,800
Net Sale Proceeds	1,196,150	
Adjusted Tax Basis of Property	<u>(61,040)</u>	
Projected Gain on Sale of Property	1,135,110	
NH Business Profits Tax Rate	<u>8.5%</u>	
Projected NH Business Profits Tax	<u><u>96,484</u></u>	

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May 3, 2007

Mr. Randy Sherman
Assistant Finance Director
Finance Department
One City Hall Plaza East
Manchester, NH 03101

Re: Lowell Terrace Associates

Dear Randy:

It was good to meet with you and the other key City department heads on Monday, April 30th in preparation of the Community Improvement Plan (CIP) Committee meeting scheduled for May 8th. I have again reviewed Tom Musgrave's letter of June 6, 2006, which outlines the history of this project and our proposal last summer.

We now have two (2) major concerns:

1. The treatment of the existing balance of the City's 1st mortgage in determining the equity in the project.
2. The current market value of the building. We are contesting the 2006 revaluation.

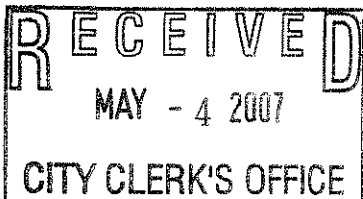
We were and are partners in saving a significant building in Manchester. We have worked closely together for over twenty-three (23) years in restoring and subsequently operating the property through good times and bad. We need to look at the deal itself and move forward to clarify the standing and term of the 2nd mortgage piece of our arrangement. There are only two (2) issues.

I look forward to meeting with the Committee on May 8th.

Sincerely yours,

Peter A. Morgan

Peter A. Morgan
Managing Partner
Lowell Terrace Associates



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Suggested Ways Forward


1. City agrees to extend term on 2nd mortgage to July 1, 2013, concurrent with the extension of the existing 1st mortgage.
2. City demands payment of the 2nd mortgage valued at one-half (1/2) the fair market value of the building without consideration that the 1st mortgage is still in place. (Current balance of 1st mortgage as of April 30, 2007 is \$470,367.12.)
 - a. The loan will fall into default as the Lowell Terrace partners do not concur on the method of valuing the 2nd mortgage.
 - b. The default provisions in the original note clearly provide the method of valuing the 2nd mortgage in the event of a default. The remaining balance of the 1st mortgage is deducted from the fair market value to establish the value to be paid to retire the 2nd mortgage.
3. City agrees that the existing balance of the 1st mortgage affects the current value of the 2nd mortgage.
 - a. We jointly agree to establish the current fair market value of the property.
 - b. The Lowell Terrace partners will proceed to arrange 3rd party financing and within ninety (90) days of 3.a. will pay off the 2nd mortgage.



**City of Manchester
Department of Finance**

One City Hall Plaza
Manchester, New Hampshire 03101
(603) 624-6460
(603) 624-6549 Fax

MEMORANDUM

Date: May 30, 2007
To: Board of Mayor and Aldermen
From: William Sanders 
RE: Lowell Terrace Requests

Attached in response to questions and requests at the May 15 BMA meeting are the following documents related to the Lowell Terrace project.

1. The audited partnership financial statements for the years ended June 30, 2006 and June 30, 2005.
2. A four page schedule detailing from inception payments on the \$1,250,000 first mortgage.
3. A summary of interest payments received on the \$250,000 second mortgage.
4. A current amortization schedule through July 2013 for the first mortgage.
5. A copy of Randy Sherman's draft letter of September 18, 2001 regarding Lowell Terrace. This draft letter was referenced at the May 15, 2007 BMA meeting.

We have requested a certificate of insurance and expect to have copies available at the meeting.

LOWELL TERRACE ASSOCIATES

FINANCIAL STATEMENTS

**FOR THE YEARS ENDED
DECEMBER 31, 2006 AND 2005**

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WILLIAM STEELE & ASSOCIATES, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

40 STARK STREET

MANCHESTER, NEW HAMPSHIRE 03101

OFFICE 603-622-8881

FAX 603-647-4520

To the Partners
Lowell Terrace Associates
Manchester, New Hampshire

We have compiled the accompanying statements of assets, liabilities and capital - income tax basis of Lowell Terrace Associates (a partnership) as of December 31, 2006 and 2005, and the related statements of revenue and expenses, partners' capital and cash flows - income tax basis for the years then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

William Steele & Associates, P.C.

Manchester, New Hampshire
May 18, 2007

LOWELL TERRACE ASSOCIATES
STATEMENTS OF ASSETS, LIABILITIES AND PARTNERS' CAPITAL -
INCOME TAX BASIS
DECEMBER 31, 2006 AND 2005

ASSETS

	<u>2006</u>	<u>2005</u>
CURRENT ASSETS		
Cash	\$ 108,715	\$ 116,665
Cash - security deposits	14,029	16,791
Due from Metropolis	<u>3,302</u>	<u>-</u>
TOTAL CURRENT ASSETS	<u>126,046</u>	<u>133,456</u>
PROPERTY AND EQUIPMENT		
Land	50,000	50,000
Building and improvements	1,782,305	1,776,108
Furniture and fixtures	<u>21,429</u>	<u>21,429</u>
	1,853,734	1,847,537
Less: accumulated depreciation	<u>(1,790,565)</u>	<u>(1,786,497)</u>
NET PROPERTY AND EQUIPMENT	<u>63,169</u>	<u>61,040</u>
TOTAL ASSETS	<u><u>\$ 189,215</u></u>	<u><u>\$ 194,496</u></u>

LIABILITIES AND PARTNERS' CAPITAL

CURRENT LIABILITIES		
Security deposits payable	\$ 14,209	\$ 16,971
Current portion of notes payable	<u>318,777</u>	<u>316,747</u>
TOTAL CURRENT LIABILITIES	332,986	333,718
LONG-TERM LIABILITIES		
Notes payable, net of current portion	<u>602,764</u>	<u>671,541</u>
TOTAL LIABILITIES	935,750	1,005,259
PARTNERS' CAPITAL (DEFICIT)	<u>(746,535)</u>	<u>(810,763)</u>
TOTAL LIABILITIES AND PARTNERS' CAPITAL	<u><u>\$ 189,215</u></u>	<u><u>\$ 194,496</u></u>

See Accountants' Compilation Report and Notes to Financial Statements

LOWELL TERRACE ASSOCIATES
STATEMENTS OF REVENUE AND EXPENSES -
INCOME TAX BASIS
FOR THE YEARS ENDED DECEMBER 31, 2006 AND 2005

	<u>2006</u>	<u>2005</u>
REVENUE		
Rental income	\$ 267,603	\$ 274,258
Other income	<u>2,231</u>	<u>2,174</u>
TOTAL REVENUE	<u>269,834</u>	<u>276,432</u>
OPERATING EXPENSES		
Real estate taxes	38,300	35,614
Gas	34,893	25,623
Repairs and maintenance	22,640	13,073
Management fees	20,604	18,449
Interest	15,882	29,852
Electricity	12,116	10,046
Insurance	10,038	9,540
Water and sewer	9,303	11,758
Accounting fees	9,261	3,075
Janitorial service	6,351	8,861
Exterminator	4,305	2,600
Depreciation	4,068	4,058
Supplies	3,883	3,171
Fire alarm	2,680	2,659
Waste disposal	2,160	2,160
Filing fee	1,315	-
Bank charges	1,279	1,480
General partner fees	1,200	1,200
Legal fees	1,156	-
Appliances	898	-
Central business district tax	828	804
Rental equipment	571	-
Grounds maintenance	475	1,620
Advertising	461	752
Telephone	375	317
Entertainment	240	67
Rental incentive plan fee	100	-
Foreign tax expense	38	13
Amortization	<u>-</u>	<u>2,250</u>
TOTAL OPERATING EXPENSES	<u>\$ 205,420</u>	<u>\$ 189,042</u>

See Accountants' Compilation Report and Notes to Financial Statements

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LOWELL TERRACE ASSOCIATES
STATEMENTS OF REVENUE AND EXPENSES -
INCOME TAX BASIS
FOR THE YEARS ENDED DECEMBER 31, 2006 AND 2005

	<u>2006</u>	<u>2005</u>
INCOME FROM OPERATIONS	64,414	87,390
INTEREST AND DIVIDEND INCOME	2,266	2,842
GAIN ON SALE OF SECURITIES	<u>2,640</u>	<u>-</u>
INCOME BEFORE STATE TAXES	69,320	90,232
STATE TAXES PAID	<u>(5,092)</u>	<u>(11,298)</u>
NET INCOME	<u>\$ 64,228</u>	<u>\$ 78,934</u>

See Accountants' Compilation Report and Notes to Financial Statements

LOWELL TERRACE ASSOCIATES
STATEMENTS OF CHANGES IN PARTNERS' CAPITAL (DEFICIENCY) -
INCOME TAX BASIS
FOR THE YEARS ENDED DECEMBER 31, 2006 AND 2005

BALANCE, December 31, 2004	\$ (847,697)
Net Income	78,934
Cash Distributions to Partners	<u>(42,000)</u>
BALANCE, December 31, 2005	(810,763)
Net Income	64,228
Cash Distributions to Partners	<u>-</u>
BALANCE, December 31, 2006	<u><u>\$ (746,535)</u></u>

See Accountants' Compilation Report and Notes to Financial Statements

LOWELL TERRACE ASSOCIATES
STATEMENTS OF CASH FLOWS -
INCOME TAX BASIS
FOR THE YEARS ENDED DECEMBER 31, 2006 AND 2005

	<u>2006</u>	<u>2005</u>
CASH FLOWS FROM OPERATING ACTIVITIES:		
Net Income	\$ 64,228	\$ 78,934
Adjustments to reconcile net income to net cash from operations:		
Depreciation	4,068	4,058
Amortization	-	2,250
Increase (decrease) in assets and liabilities:		
Security deposits payable	(2,762)	(1,850)
Due from Metropolis	(3,302)	-
	<u>62,232</u>	<u>83,392</u>
NET CASH PROVIDED BY OPERATING ACTIVITIES		
CASH FLOWS FROM FINANCING ACTIVITIES		
Purchase of new equipment and improvements	(6,197)	(1,118)
Principal payments on notes payable	(66,747)	(64,777)
Cash distributions to partners	-	(42,000)
	<u>(72,944)</u>	<u>(107,895)</u>
NET CASH USED BY FINANCING ACTIVITIES		
NET DECREASE IN CASH	(10,712)	(24,503)
CASH, BEGINNING OF YEAR	<u>133,456</u>	<u>157,959</u>
CASH, END OF YEAR	<u>\$ 122,744</u>	<u>\$ 133,456</u>

SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION

	<u>2006</u>	<u>2005</u>
Cash paid during the year for:		
Interest	\$ 15,882	\$ 29,852
State Taxes, net of refunds	\$ 5,092	\$ 11,298

See Accountants' Compilation Report and Notes to Financial Statements

**LOWELL TERRACE ASSOCIATES
NOTES TO FINANCIAL STATEMENTS
FOR THE YEARS ENDED DECEMBER 31, 2006 AND 2005**

NOTE 1. THE PARTNERSHIP

Lowell Terrace Associates is a New Hampshire general partnership formed on September 1, 1984 for the purpose of managing and investing in real estate for its own purposes or on behalf of others. During 1986, the Partnership, through a related party (See Note 5), completed the construction of a 63-unit low-income housing project in Manchester, New Hampshire. Occupancy in units of the project includes leases whose rent levels conform to the Section 8 Existing Program offered by the United States Department of Housing and Urban Development. This project is presently the Partnership's only investment.

NOTE 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Presentation

The Partnership's policy is to prepare its financial statements on the accounting basis used for income tax purposes, generally on the basis of cash receipts and disbursements. On such basis, the financial statements do not include rents accrued or uncollected, or accounts payable for services billed but unpaid and other accrued liabilities. These policies differ from generally accepted accounting principles whereby income and the related assets are recognized when earned and certain expenses are recognized when the related obligations are incurred.

Depreciation

Depreciation is computed using straight-line and accelerated methods over lives ranging from five to twenty-eight years.

Deferred Costs

Financing fees have been amortized over the term (20 years) of the underlying indebtedness to which it relates.

Income Taxes

Lowell Terrace Associates is treated as a Partnership for federal income tax purposes and does not incur federal income taxes. Instead, the Partnership's profits and losses are reported in the individual partners' tax return. The Partnership is liable for state income taxes and state business taxes. When state taxes are paid by the Partnership, such taxes are reflected in the partners' distributive share of income or loss.

Concentration of Credit Risk

The Partnership occasionally maintains deposits in excess of Federally insured limits. Statements of Financial Accounting Standards No. 105 identifies these items as a concentration of credit risk requiring disclosure regardless of the degree of risk. The risk is managed by maintaining all deposits in high quality financial institutions.

LOWELL TERRACE ASSOCIATES
NOTES TO FINANCIAL STATEMENTS
FOR THE YEARS ENDED DECEMBER 31, 2006 AND 2005

NOTE 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Use of Estimates

The preparation of financial statements requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from these estimates.

Reclassifications

Certain amounts in the December 31, 2005 financial statements have been reclassified to conform to the December 31, 2006 presentation.

NOTE 3. NOTES PAYABLE

Notes payable at December 31, 2006 and 2005 consist of the following:

	<u>2006</u>	<u>2005</u>
\$1,500,000 Promissory Note dated December 1984, (as amended and modified) with the following terms and conditions:		
\$1,250,000 of the Promissory Note bears interest at 3%; payable in monthly installments of \$6,886; matures July 2013. The note is secured by a first mortgage on the project and the personal guarantees of the partners.	\$ 493,064	\$ 559,811
\$250,000 of the Promissory Note requires annual interest payments commencing in 1987 equal to 50% of the net cash flows of the project, as defined; a balloon payment of principal and interest is due under the terms of the original note 20 years after completion of construction equal to one-half (1/2) of the fair market value of the property at that date. The note is secured by a first mortgage on the project and the personal guarantees of the partners. Interest payments of \$12,000 were made in 2005.	250,000	250,000
Note payable to a partner; principal due on demand, interest at 10.5% per annum; collateralized by a mortgage on the project. No payments were made on this note during 2006 and 2005.	80,000	80,000

LOWELL TERRACE ASSOCIATES
NOTES TO FINANCIAL STATEMENTS
FOR THE YEARS ENDED DECEMBER 31, 2006 AND 2005

NOTE 3. NOTES PAYABLE (continued)

	<u>2006</u>	<u>2005</u>
Other unsecured notes payable due to affiliated entities and partners of the Partnership, with no repayment terms or rates of interest specified.	<u>\$ 98,477</u>	<u>\$ 98,477</u>
	921,541	988,288
Less: current portion due within one year	<u>(318,777)</u>	<u>(316,747)</u>
	<u>\$ 602,764</u>	<u>\$ 671,541</u>

The aggregate amount of future principal payments on partnership debt at December 31, 2006 are as follows:

Year Ending December 31,	
2007	\$318,777
2008	70,869
2009	73,025
2010	75,246
2011	77,534
2012 and thereafter	<u>306,090</u>
Total	<u>\$921,541</u>

NOTE 4. RELATED PARTY TRANSACTIONS

The Partnership receives property management services (for a management fee determined at 7% of rental income) from a related entity. The Partnership paid \$1,200 during 2006 and 2005 to an entity controlled by one of the partners for extraordinary general partner services. In addition, as discussed in Note 3, the Partnership is obligated to the partners and various other related parties in the amount of \$178,477 at December 31, 2006 and 2005.

Lowell Terrace		
Payments on \$1,250,000		
First Mortgage		
NUMBER	DATE PAID	AMOUNT PAID
1	5/17/89	7,829.69
2	6/6/89	7,829.69
3	7/17/89	7,829.69
4	8/10/89	7,829.69
5	9/13/89	7,829.69
6	11/22/89	7,829.69
7	11/22/89	7,829.69
8	12/13/89	7,829.69
9	1/17/90	7,829.69
10	2/15/90	7,829.69
11	3/15/89	7,829.69
12	4/18/90	7,829.69
13	5/14/90	7,829.69
14	6/14/90	7,829.69
15	7/17/90	7,829.69
16	8/20/90	7,829.69
17	9/12/90	7,829.69
18	10/26/90	7,829.69
19	11/19/90	7,829.69
20	12/24/90	7,829.69
21	1/15/91	7,829.69
22	2/21/91	7,829.69
23	3/14/91	7,829.69
24	4/15/91	7,829.69
25	5/20/91	7,829.69
26	6/13/91	7,829.69
27	7/30/91	7,829.69
28	8/15/91	7,829.69
29	9/16/91	7,829.69
30	10/21/91	7,829.69
31	11/18/91	7,829.69
32	12/13/91	7,829.69
33	1/15/92	7,829.69
34	2/19/92	7,829.69
35	3/6/92	7,829.69
36	4/16/92	7,829.69
37	5/14/92	7,829.69
38	6/15/92	7,829.69
39	7/31/92	7,829.69
40	8/12/92	7,829.69
41	8/19/92	7,829.69
42	9/22/92	7,829.69
43	10/13/92	7,829.69
44	11/17/92	7,829.69
45	12/11/92	7,829.69
46	1/12/93	7,829.69
47	2/11/93	7,829.69
48	3/11/93	7,829.69
49	4/13/93	7,829.69
50	5/11/93	7,829.69

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51	6/11/93	7,829.69
52	7/14/93	7,829.69
53	8/9/93	7,829.69
54	9/9/93	7,829.69
55	10/14/93	7,829.69
56	11/19/93	7,829.69
57	12/13/93	7,829.69
58	1/6/94	7,829.69
59	2/16/94	7,829.69
60	3/11/94	7,829.69
61	4/13/94	7,829.69
62	5/25/94	7,829.69
63	6/30/94	7,829.69
64	8/15/94	7,829.69
65	10/14/94	7,829.69
66	10/14/94	7,829.69
67	11/28/94	7,829.69
68	12/29/94	7,829.69
69	1/31/95	7,829.69
70	4/10/95	2,500.00
71	5/9/95	2,500.00
72	6/15/95	2,500.00
73	7/15/95	2,500.00
74	8/15/95	2,500.00
75	9/14/95	2,500.00
76	10/20/95	2,500.00
77	11/20/95	2,500.00
78	12/26/95	2,500.00
79	1/19/96	2,500.00
80	2/20/96	2,500.00
81	3/18/96	2,500.00
82	4/18/96	2,500.00
83	5/13/96	2,500.00
84	6/11/96	2,500.00
85	7/12/96	2,500.00
86	8/15/96	2,500.00
87	9/13/96	2,500.00
88	10/96	2,500.00
89	11/19/96	2,500.00
90	12/10/96	2,500.00
91	1/24/97	2,500.00
92	3/17/97	2,500.00
93	4/15/97	2,500.00
94	5/16/97	2,500.00
95	06/19/97	2,500.00
96	07/21/97	2,500.00
97	8/19/97	2,500.00
98	09/23/97	2,500.00
99	10/16/97	2,500.00
100	11/20/97	2,500.00
101	12/12/97	2,500.00
102	1/26/98	2,500.00
103	2/18/98	2,500.00
104	3/17/98	2,500.00
105	4/16/98	2,500.00
106	5/13/98	2,500.00
107	6/16/98	2,500.00
108	8/7/98	6,885.71

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109	9/3/98	6,885.71
110	copy of check not made	6,885.71
111	11/6/98	6,885.71
112	12/3/98	6,885.71
113	1/5/99	6,885.71
114	2/8/99	6,885.71
115	3/8/99	6,885.71
116	4/08/99	6,885.71
117	5/17/99	6,885.71
118	6/30/99	6,885.71
119	7/6/99	6,885.71
120	8/3/99	6,885.71
121	9/2/99	6,885.71
122	10/5/99	6,885.71
123	11/4/99	6,885.71
124	12/2/99	6,885.71
125	1/6/00	6,885.71
126	2/3/0	6,885.71
127	3/1/00	6,885.71
128	4/6/00	6,885.71
129	5/4/00	6,885.71
130	6/1/00	6,885.71
131	7/6/00	6,885.71
132	8/8/00	6,885.71
133	9/7/00	6,885.71
134	10/5/00	6,885.71
135	10/2/00	6,885.71
136	12/5/00	6,885.71
137	01/05/01	6,885.71
138	02/07/01	6,885.71
139	03/12/01	6,885.71
140	4/6/01	6,885.71
141	05/07/01	6,885.71
142	06/06/01	6,885.71
143	07/10/01	6,885.71
144	08/02/01	6,885.71
145	09/06/01	6,885.71
146	10/04/01	6,885.71
147	11/02/01	6,885.71
148	12/6/01	6,885.71
149	1/3/02	6,885.71
150	2/7/02	6,885.71
151	3/14/02	6,885.71
152	4/4/02	6,885.71
153	5/9/02	6,885.71
154	6/6/02	6,885.71
155	07/02/02	6,885.71
156	08/02/02	6,885.71
157	9/5/02	6,885.71
158	10/03/02	6,885.71
159	11/4/02	6,885.71
160	12/05/02	6,885.71
161	01/02/03	6,885.71
162	02/06/03	6,885.71
163	3/6/03	6,885.71
164	4/10/03	6,885.71
165	5/8/03	6,885.71
166	6/5/03	6,885.71

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167	7/3/03	6,885.71
168	08/07/03	6,885.71
169	9/7/03	6,885.71
170	10/02/03	6,885.71
171	11/07/03	6,885.71
172	12/5/03	6,885.71
173	01/08/04	6,885.71
174	2/5/04	6,885.71
175	3/4/04	6,885.71
176	4/1/04	6,885.71
177	5/6/04	6,885.71
178	6/3/04	6,885.71
179	7/9/04	6,885.71
180	8/5/04	6,885.71
181	9/2/04	6,885.71
182	10/7/04	6,885.71
183	11/4/04	6,885.71
184	12/2/04	6,885.71
185	1/6/05	6,885.71
186	2/3/05	6,885.71
187	03/05/05	6,885.71
188	4/7/05	6,885.71
189	5/5/05	6,885.71
190	6/2/05	6,885.71
191	7/7/05	6,885.71
192	8/4/05	6,885.71
193	9/1/05	6,885.71
194	10/6/05	6,885.71
195	11/4/05	6,885.71
196	12/2/05	6,885.71
197	1/6/06	6,885.71
198	2/2/06	6,885.71
199	3/3/06	6,885.71
200	4/6/06	6,885.71
201	5/4/06	6,885.71
202	6/1/06	6,885.71
203	7/7/06	6,885.71
204	8/4/06	6,885.71
205	9/7/06	6,885.71
206	10/5/06	6,885.71
207	11/1/06	6,885.71
208	12/8/06	6,885.71
209	1/2/07	6,885.71
210	2/1/07	6,885.71
211	3/9/07	6,885.71
212	4/5/07	6,885.71
Total		\$1,351,362.45
Total Interest		\$571,730.05
Total Principal		\$779,632.40
Total Paid		\$1,351,362.45

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Lowell Terrace

Interest Payments on \$250,000 Second Mortgage

Fiscal Year	Amount
2007	0
2006	12,000
2005	30,000
2004	25,000
2003	90,000
2001	35,293
Total Received	\$192,293

Wes
5/30/07

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CDBG PROGRAM INCOME			Principal Amount	\$	997,087.76
LOWELL TERRACE			Years to Maturity		15
			# of Payments		180
			Interest Rate		3.00%
			Pmts per year		12
			Year of Loan		
			Payment		\$6,885.71
#	Date	Payment	Interest	Principal	Balance
					\$ 997,087.76
1	Aug-98	\$6,885.71	\$ 2,492.72	\$ 4,392.99	\$ 992,694.77
2	Sep-98	\$6,885.71	\$ 2,481.74	\$ 4,403.97	\$ 988,290.81
3	Oct-98	\$6,885.71	\$ 2,470.73	\$ 4,414.98	\$ 983,875.83
4	Nov-98	\$6,885.71	\$ 2,459.69	\$ 4,426.02	\$ 979,449.81
5	Dec-98	\$6,885.71	\$ 2,448.62	\$ 4,437.08	\$ 975,012.73
6	Jan-99	\$6,885.71	\$ 2,437.53	\$ 4,448.17	\$ 970,564.56
7	Feb-99	\$6,885.71	\$ 2,426.41	\$ 4,459.29	\$ 966,105.27
8	Mar-99	\$6,885.71	\$ 2,415.26	\$ 4,470.44	\$ 961,634.82
9	Apr-99	\$6,885.71	\$ 2,404.09	\$ 4,481.62	\$ 957,153.21
10	May-99	\$6,885.71	\$ 2,392.88	\$ 4,492.82	\$ 952,660.38
11	Jun-99	\$6,885.71	\$ 2,381.65	\$ 4,504.05	\$ 948,156.33
12	Jul-99	\$6,885.71	\$ 2,370.39	\$ 4,515.31	\$ 943,641.02
13	Aug-99	\$6,885.71	\$ 2,359.10	\$ 4,526.60	\$ 939,114.41
14	Sep-99	\$6,885.71	\$ 2,347.79	\$ 4,537.92	\$ 934,576.49
15	Oct-99	\$6,885.71	\$ 2,336.44	\$ 4,549.26	\$ 930,027.23
16	Nov-99	\$6,885.71	\$ 2,325.07	\$ 4,560.64	\$ 925,466.59
17	Dec-99	\$6,885.71	\$ 2,313.67	\$ 4,572.04	\$ 920,894.55
18	Jan-00	\$6,885.71	\$ 2,302.24	\$ 4,583.47	\$ 916,311.09
19	Feb-00	\$6,885.71	\$ 2,290.78	\$ 4,594.93	\$ 911,716.16
20	Mar-00	\$6,885.71	\$ 2,279.29	\$ 4,606.41	\$ 907,109.74
21	Apr-00	\$6,885.71	\$ 2,267.77	\$ 4,617.93	\$ 902,491.81
22	May-00	\$6,885.71	\$ 2,256.23	\$ 4,629.48	\$ 897,862.34
23	Jun-00	\$6,885.71	\$ 2,244.66	\$ 4,641.05	\$ 893,221.29
24	Jul-00	\$6,885.71	\$ 2,233.05	\$ 4,652.65	\$ 888,568.64
25	Aug-00	\$6,885.71	\$ 2,221.42	\$ 4,664.28	\$ 883,904.35
26	Sep-00	\$6,885.71	\$ 2,209.76	\$ 4,675.94	\$ 879,228.41
27	Oct-00	\$6,885.71	\$ 2,198.07	\$ 4,687.63	\$ 874,540.78
28	Nov-00	\$6,885.71	\$ 2,186.35	\$ 4,699.35	\$ 869,841.42
29	Dec-00	\$6,885.71	\$ 2,174.60	\$ 4,711.10	\$ 865,130.32
30	Jan-01	\$6,885.71	\$ 2,162.83	\$ 4,722.88	\$ 860,407.44
31	Feb-01	\$6,885.71	\$ 2,151.02	\$ 4,734.69	\$ 855,672.76
32	Mar-01	\$6,885.71	\$ 2,139.18	\$ 4,746.52	\$ 850,926.23
33	Apr-01	\$6,885.71	\$ 2,127.32	\$ 4,758.39	\$ 846,167.84
34	May-01	\$6,885.71	\$ 2,115.42	\$ 4,770.29	\$ 841,397.56
35	Jun-01	\$6,885.71	\$ 2,103.49	\$ 4,782.21	\$ 836,615.35
36	Jul-01	\$6,885.71	\$ 2,091.54	\$ 4,794.17	\$ 831,821.18
37	Aug-01	\$6,885.71	\$ 2,079.55	\$ 4,806.15	\$ 827,015.03
38	Sep-01	\$6,885.71	\$ 2,067.54	\$ 4,818.17	\$ 822,196.86
39	Oct-01	\$6,885.71	\$ 2,055.49	\$ 4,830.21	\$ 817,366.65
40	Nov-01	\$6,885.71	\$ 2,043.42	\$ 4,842.29	\$ 812,524.36
41	Dec-01	\$6,885.71	\$ 2,031.31	\$ 4,854.39	\$ 807,669.97
42	Jan-02	\$6,885.71	\$ 2,019.17	\$ 4,866.53	\$ 802,803.44
43	Feb-02	\$6,885.71	\$ 2,007.01	\$ 4,878.70	\$ 797,924.74
44	Mar-02	\$6,885.71	\$ 1,994.81	\$ 4,890.89	\$ 793,033.85

CDBG PROGRAM INCOME				Principal Amount	\$ 997,087.76
LOWELL TERRACE				Years to Maturity	15
				# of Payments	180
				Interest Rate	3.00%
				Pmts per year	12
				Year of Loan	
				Payment	\$6,885.71
#	Date	Payment	Interest	Principal	Balance
45	Apr-02	\$6,885.71	\$ 1,982.58	\$ 4,903.12	\$ 788,130.73
46	May-02	\$6,885.71	\$ 1,970.33	\$ 4,915.38	\$ 783,215.35
47	Jun-02	\$6,885.71	\$ 1,958.04	\$ 4,927.67	\$ 778,287.68
48	Jul-02	\$6,885.71	\$ 1,945.72	\$ 4,939.99	\$ 773,347.69
49	Aug-02	\$6,885.71	\$ 1,933.37	\$ 4,952.34	\$ 768,395.36
50	Sep-02	\$6,885.71	\$ 1,920.99	\$ 4,964.72	\$ 763,430.64
51	Oct-02	\$6,885.71	\$ 1,908.58	\$ 4,977.13	\$ 758,453.51
52	Nov-02	\$6,885.71	\$ 1,896.13	\$ 4,989.57	\$ 753,463.94
53	Dec-02	\$6,885.71	\$ 1,883.66	\$ 5,002.05	\$ 748,461.90
54	Jan-03	\$6,885.71	\$ 1,871.15	\$ 5,014.55	\$ 743,447.35
55	Feb-03	\$6,885.71	\$ 1,858.62	\$ 5,027.09	\$ 738,420.26
56	Mar-03	\$6,885.71	\$ 1,846.05	\$ 5,039.65	\$ 733,380.61
57	Apr-03	\$6,885.71	\$ 1,833.45	\$ 5,052.25	\$ 728,328.35
58	May-03	\$6,885.71	\$ 1,820.82	\$ 5,064.88	\$ 723,263.47
59	Jun-03	\$6,885.71	\$ 1,808.16	\$ 5,077.55	\$ 718,185.92
60	Jul-03	\$6,885.71	\$ 1,795.46	\$ 5,090.24	\$ 713,095.68
61	Aug-03	\$6,885.71	\$ 1,782.74	\$ 5,102.97	\$ 707,992.72
62	Sep-03	\$6,885.71	\$ 1,769.98	\$ 5,115.72	\$ 702,876.99
63	Oct-03	\$6,885.71	\$ 1,757.19	\$ 5,128.51	\$ 697,748.48
64	Nov-03	\$6,885.71	\$ 1,744.37	\$ 5,141.33	\$ 692,607.15
65	Dec-03	\$6,885.71	\$ 1,731.52	\$ 5,154.19	\$ 687,452.96
66	Jan-04	\$6,885.71	\$ 1,718.63	\$ 5,167.07	\$ 682,285.89
67	Feb-04	\$6,885.71	\$ 1,705.71	\$ 5,179.99	\$ 677,105.90
68	Mar-04	\$6,885.71	\$ 1,692.76	\$ 5,192.94	\$ 671,912.96
69	Apr-04	\$6,885.71	\$ 1,679.78	\$ 5,205.92	\$ 666,707.03
70	May-04	\$6,885.71	\$ 1,666.77	\$ 5,218.94	\$ 661,488.10
71	Jun-04	\$6,885.71	\$ 1,653.72	\$ 5,231.98	\$ 656,256.11
72	Jul-04	\$6,885.71	\$ 1,640.64	\$ 5,245.06	\$ 651,011.05
73	Aug-04	\$6,885.71	\$ 1,627.53	\$ 5,258.18	\$ 645,752.87
74	Sep-04	\$6,885.71	\$ 1,614.38	\$ 5,271.32	\$ 640,481.55
75	Oct-04	\$6,885.71	\$ 1,601.20	\$ 5,284.50	\$ 635,197.05
76	Nov-04	\$6,885.71	\$ 1,587.99	\$ 5,297.71	\$ 629,899.33
77	Dec-04	\$6,885.71	\$ 1,574.75	\$ 5,310.96	\$ 624,588.38
78	Jan-05	\$6,885.71	\$ 1,561.47	\$ 5,324.23	\$ 619,264.14
79	Feb-05	\$6,885.71	\$ 1,548.16	\$ 5,337.54	\$ 613,926.60
80	Mar-05	\$6,885.71	\$ 1,534.82	\$ 5,350.89	\$ 608,575.71
81	Apr-05	\$6,885.71	\$ 1,521.44	\$ 5,364.27	\$ 603,211.44
82	May-05	\$6,885.71	\$ 1,508.03	\$ 5,377.68	\$ 597,833.77
83	Jun-05	\$6,885.71	\$ 1,494.58	\$ 5,391.12	\$ 592,442.65
84	Jul-05	\$6,885.71	\$ 1,481.11	\$ 5,404.60	\$ 587,038.05
85	Aug-05	\$6,885.71	\$ 1,467.60	\$ 5,418.11	\$ 581,619.94
86	Sep-05	\$6,885.71	\$ 1,454.05	\$ 5,431.66	\$ 576,188.28
87	Oct-05	\$6,885.71	\$ 1,440.47	\$ 5,445.23	\$ 570,743.05
88	Nov-05	\$6,885.71	\$ 1,426.86	\$ 5,458.85	\$ 565,284.20
89	Dec-05	\$6,885.71	\$ 1,413.21	\$ 5,472.49	\$ 559,811.71

Lowell Terrace

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CDBG PROGRAM INCOME				Principal Amount	\$ 997,087.76
LOWELL TERRACE				Years to Maturity	15
				# of Payments	180
				Interest Rate	3.00%
				Pmts per year	12
				Year of Loan	
				Payment	\$6,885.71
#	Date	Payment	Interest	Principal	Balance
90	Jan-06	\$6,885.71	\$ 1,399.53	\$ 5,486.18	\$ 554,325.53
91	Feb-06	\$6,885.71	\$ 1,385.81	\$ 5,499.89	\$ 548,825.64
92	Mar-06	\$6,885.71	\$ 1,372.06	\$ 5,513.64	\$ 543,312.00
93	Apr-06	\$6,885.71	\$ 1,358.28	\$ 5,527.43	\$ 537,784.57
94	May-06	\$6,885.71	\$ 1,344.46	\$ 5,541.24	\$ 532,243.33
95	Jun-06	\$6,885.71	\$ 1,330.61	\$ 5,555.10	\$ 526,688.23
96	Jul-06	\$6,885.71	\$ 1,316.72	\$ 5,568.98	\$ 521,119.25
97	Aug-06	\$6,885.71	\$ 1,302.80	\$ 5,582.91	\$ 515,536.34
98	Sep-06	\$6,885.71	\$ 1,288.84	\$ 5,596.86	\$ 509,939.48
99	Oct-06	\$6,885.71	\$ 1,274.85	\$ 5,610.86	\$ 504,328.62
100	Nov-06	\$6,885.71	\$ 1,260.82	\$ 5,624.88	\$ 498,703.74
101	Dec-06	\$6,885.71	\$ 1,246.76	\$ 5,638.95	\$ 493,064.79
102	Jan-07	\$6,885.71	\$ 1,232.66	\$ 5,653.04	\$ 487,411.75
103	Feb-07	\$6,885.71	\$ 1,218.53	\$ 5,667.18	\$ 481,744.57
104	Mar-07	\$6,885.71	\$ 1,204.36	\$ 5,681.34	\$ 476,063.23
105	Apr-07	\$6,885.71	\$ 1,190.16	\$ 5,695.55	\$ 470,367.68
106	May-07	\$6,885.71	\$ 1,175.92	\$ 5,709.79	\$ 464,657.90
107	Jun-07	\$6,885.71	\$ 1,161.64	\$ 5,724.06	\$ 458,933.84
108	Jul-07	\$6,885.71	\$ 1,147.33	\$ 5,738.37	\$ 453,195.47
109	Aug-07	\$6,885.71	\$ 1,132.99	\$ 5,752.72	\$ 447,442.75
110	Sep-07	\$6,885.71	\$ 1,118.61	\$ 5,767.10	\$ 441,675.65
111	Oct-07	\$6,885.71	\$ 1,104.19	\$ 5,781.52	\$ 435,894.14
112	Nov-07	\$6,885.71	\$ 1,089.74	\$ 5,795.97	\$ 430,098.17
113	Dec-07	\$6,885.71	\$ 1,075.25	\$ 5,810.46	\$ 424,287.71
114	Jan-08	\$6,885.71	\$ 1,060.72	\$ 5,824.99	\$ 418,462.72
115	Feb-08	\$6,885.71	\$ 1,046.16	\$ 5,839.55	\$ 412,623.17
116	Mar-08	\$6,885.71	\$ 1,031.56	\$ 5,854.15	\$ 406,769.03
117	Apr-08	\$6,885.71	\$ 1,016.92	\$ 5,868.78	\$ 400,900.24
118	May-08	\$6,885.71	\$ 1,002.25	\$ 5,883.45	\$ 395,016.79
119	Jun-08	\$6,885.71	\$ 987.54	\$ 5,898.16	\$ 389,118.63
120	Jul-08	\$6,885.71	\$ 972.80	\$ 5,912.91	\$ 383,205.72
121	Aug-08	\$6,885.71	\$ 958.01	\$ 5,927.69	\$ 377,278.03
122	Sep-08	\$6,885.71	\$ 943.20	\$ 5,942.51	\$ 371,335.52
123	Oct-08	\$6,885.71	\$ 928.34	\$ 5,957.37	\$ 365,378.15
124	Nov-08	\$6,885.71	\$ 913.45	\$ 5,972.26	\$ 359,405.89
125	Dec-08	\$6,885.71	\$ 898.51	\$ 5,987.19	\$ 353,418.70
126	Jan-09	\$6,885.71	\$ 883.55	\$ 6,002.16	\$ 347,416.54
127	Feb-09	\$6,885.71	\$ 868.54	\$ 6,017.16	\$ 341,399.38
128	Mar-09	\$6,885.71	\$ 853.50	\$ 6,032.21	\$ 335,367.17
129	Apr-09	\$6,885.71	\$ 838.42	\$ 6,047.29	\$ 329,319.89
130	May-09	\$6,885.71	\$ 823.30	\$ 6,062.41	\$ 323,257.48
131	Jun-09	\$6,885.71	\$ 808.14	\$ 6,077.56	\$ 317,179.92
132	Jul-09	\$6,885.71	\$ 792.95	\$ 6,092.76	\$ 311,087.16
133	Aug-09	\$6,885.71	\$ 777.72	\$ 6,107.99	\$ 304,979.18
134	Sep-09	\$6,885.71	\$ 762.45	\$ 6,123.26	\$ 298,855.92

CDBG PROGRAM INCOME				Principal Amount	\$ 997,087.76
LOWELL TERRACE				Years to Maturity	15
				# of Payments	180
				Interest Rate	3.00%
				Pmts per year	12
				Year of Loan	
				Payment	\$6,885.71
#	Date	Payment	Interest	Principal	Balance
135	Oct-09	\$6,885.71	\$ 747.14	\$ 6,138.57	\$ 292,717.35
136	Nov-09	\$6,885.71	\$ 731.79	\$ 6,153.91	\$ 286,563.44
137	Dec-09	\$6,885.71	\$ 716.41	\$ 6,169.30	\$ 280,394.15
138	Jan-10	\$6,885.71	\$ 700.99	\$ 6,184.72	\$ 274,209.43
139	Feb-10	\$6,885.71	\$ 685.52	\$ 6,200.18	\$ 268,009.25
140	Mar-10	\$6,885.71	\$ 670.02	\$ 6,215.68	\$ 261,793.56
141	Apr-10	\$6,885.71	\$ 654.48	\$ 6,231.22	\$ 255,562.34
142	May-10	\$6,885.71	\$ 638.91	\$ 6,246.80	\$ 249,315.54
143	Jun-10	\$6,885.71	\$ 623.29	\$ 6,262.42	\$ 243,053.13
144	Jul-10	\$6,885.71	\$ 607.63	\$ 6,278.07	\$ 236,775.05
145	Aug-10	\$6,885.71	\$ 591.94	\$ 6,293.77	\$ 230,481.29
146	Sep-10	\$6,885.71	\$ 576.20	\$ 6,309.50	\$ 224,171.79
147	Oct-10	\$6,885.71	\$ 560.43	\$ 6,325.28	\$ 217,846.51
148	Nov-10	\$6,885.71	\$ 544.62	\$ 6,341.09	\$ 211,505.42
149	Dec-10	\$6,885.71	\$ 528.76	\$ 6,356.94	\$ 205,148.48
150	Jan-11	\$6,885.71	\$ 512.87	\$ 6,372.83	\$ 198,775.65
151	Feb-11	\$6,885.71	\$ 496.94	\$ 6,388.77	\$ 192,386.88
152	Mar-11	\$6,885.71	\$ 480.97	\$ 6,404.74	\$ 185,982.14
153	Apr-11	\$6,885.71	\$ 464.96	\$ 6,420.75	\$ 179,561.39
154	May-11	\$6,885.71	\$ 448.90	\$ 6,436.80	\$ 173,124.59
155	Jun-11	\$6,885.71	\$ 432.81	\$ 6,452.89	\$ 166,671.70
156	Jul-11	\$6,885.71	\$ 416.68	\$ 6,469.03	\$ 160,202.67
157	Aug-11	\$6,885.71	\$ 400.51	\$ 6,485.20	\$ 153,717.47
158	Sep-11	\$6,885.71	\$ 384.29	\$ 6,501.41	\$ 147,216.06
159	Oct-11	\$6,885.71	\$ 368.04	\$ 6,517.66	\$ 140,698.40
160	Nov-11	\$6,885.71	\$ 351.75	\$ 6,533.96	\$ 134,164.44
161	Dec-11	\$6,885.71	\$ 335.41	\$ 6,550.29	\$ 127,614.14
162	Jan-12	\$6,885.71	\$ 319.04	\$ 6,566.67	\$ 121,047.47
163	Feb-12	\$6,885.71	\$ 302.62	\$ 6,583.09	\$ 114,464.39
164	Mar-12	\$6,885.71	\$ 286.16	\$ 6,599.54	\$ 107,864.84
165	Apr-12	\$6,885.71	\$ 269.66	\$ 6,616.04	\$ 101,248.80
166	May-12	\$6,885.71	\$ 253.12	\$ 6,632.58	\$ 94,616.22
167	Jun-12	\$6,885.71	\$ 236.54	\$ 6,649.16	\$ 87,967.05
168	Jul-12	\$6,885.71	\$ 219.92	\$ 6,665.79	\$ 81,301.27
169	Aug-12	\$6,885.71	\$ 203.25	\$ 6,682.45	\$ 74,618.82
170	Sep-12	\$6,885.71	\$ 186.55	\$ 6,699.16	\$ 67,919.66
171	Oct-12	\$6,885.71	\$ 169.80	\$ 6,715.91	\$ 61,203.75
172	Nov-12	\$6,885.71	\$ 153.01	\$ 6,732.70	\$ 54,471.06
173	Dec-12	\$6,885.71	\$ 136.18	\$ 6,749.53	\$ 47,721.53
174	Jan-13	\$6,885.71	\$ 119.30	\$ 6,766.40	\$ 40,955.13
175	Feb-13	\$6,885.71	\$ 102.39	\$ 6,783.32	\$ 34,171.81
176	Mar-13	\$6,885.71	\$ 85.43	\$ 6,800.28	\$ 27,371.53
177	Apr-13	\$6,885.71	\$ 68.43	\$ 6,817.28	\$ 20,554.26
178	May-13	\$6,885.71	\$ 51.39	\$ 6,834.32	\$ 13,719.94
179	Jun-13	\$6,885.71	\$ 34.30	\$ 6,851.41	\$ 6,868.53

CDBG PROGRAM INCOME			Principal Amount	\$	997,087.76
LOWELL TERRACE			Years to Maturity		15
			# of Payments		180
			Interest Rate		3.00%
			Pmts per year		12
			Year of Loan		
			Payment		\$6,885.71
<u>#</u>	<u>Date</u>	<u>Payment</u>	<u>Interest</u>	<u>Principal</u>	<u>Balance</u>
180	Jul-13	\$6,885.71	\$ 17.17	\$ 6,868.53	\$ (0.00)
Total		\$ 1,239,426.90	\$ 242,339.14	\$ 997,087.76	

Lowell Terrace

15

Draft

Memo

To: Kevin Clougherty, Tom Clark, Bob McKenzie, Jay Taylor
From: Randy M. Sherman
Date: September 18, 2001
Re: Lowell Terrace

At our meeting of September 6, 2001, I was requested to put together a proposal for consideration relative to the Lowell Terrace project. In this regard, I present the following background, comments and recommendations.

Background

- In 1984 the City, through the MHRA, made a loan totaling \$1,500,000 to Lowell Terrace Associates, a New Hampshire General Partnership, for the purposes of rehabilitating a fire damaged building at the northwest corner of Chestnut and Lowell Streets. The loan was comprised of two components: a \$1,250,000 low interest portion resembling a note and a \$250,000 portion resembling a limited-term equity contribution.
- The \$1,250,000 portion was to be amortized at an annual interest rate equal to three (3%) percent over a twenty year period following the completion of the construction. The first three years were interest only, followed by 17 years of monthly payments of \$7,826.69. The promissory note required interest payments to begin no later than June 30, 1985, monthly payments of \$7,826.69 to begin no later than June 30, 1988.
- The \$250,000 portion is to be repaid as a balloon payment 20 years following the completed construction. The payment is to equal one-half of the then current market value. The City was also to receive, for 20 years following construction, as proxy for interest on the \$250,000 portion, an annual payment equal to one-half of the net cash flow from the project.
- A project overrun of approximately \$120,000 was funded by Amoskeag Bank with collateral provided by Carolyn Morgan.
- In September 1988, two dates in the promissory note were amended. The payment dates relative to the payments on the \$1,250,000 portion of the note changed from June 30, 1985 to May 1, 1986 and from June 30, 1988 to May 1, 1989. As part of the same agreement, the parties agreed to establish April 1, 1986 as the date on which construction was completed and the City waived all late charges resulting from construction delays.
- Through December 1993, the City had received scheduled payments leaving the principal balance due on the \$1,250,000 portion at \$967,582. The project, however, was delinquent on property taxes. At this time, the parties amended the promissory note to allow the partnership fifteen months to get the property taxes current. A new amortization schedule was agreed upon allowing final payment to be July 2007. The agreement extended the term fifteen months. Payments were to resume on May 1, 1995.

- In February 1995, the City was informed that the property taxes were current. A proposal was put forward further delaying principal payments an additional 21 months, establishing a process to fund a capital reserve account and setting a payment priority upon fully funding the reserve. During the delayed payment period, monthly interest payments of \$2,500 were due to the City.
- On July 5, 1995, the BMA approved the following changes to the promissory note:
 1. The project property taxes shall remain current.
 2. The project shall pay interest payments of \$2,500 until principal payments resume.
 3. A capital reserve account shall be established with both the City and the owners.
 4. The reserve shall be funded with cash flow in excess of \$5,000 accumulated on a quarterly basis.
 5. When the capital reserve reached \$60,000 or no later than December 31, 1996, principal payments shall resume and any unpaid interest would be added to the principal.
 6. Payments on another note (Carolyn C. Morgan) shall not be made until the reserve is fully funded and the principal payments to the City have resumed.
 7. Any operating surpluses thereafter shall be applied to the principal in order to accelerate payoff of the City loan.
- It is unclear if item #7 conflicts with, or supercedes, the provision for the City to receive one-half of the project cash flow, as a proxy for interest on the \$250,000.
- Monthly payments of principal and interest did not resume on January 1, 1997. The project continued to remit interest only payments, without the consent of the City, until July 1, 1998. At that time, the principal balance was recalculated to be \$997, 088. The payments were set at \$6,885.71 and the amortization schedule was unilaterally extended to July 2013.
- In 1999, the partnership attempted to work a pay-off arrangement with the City. The City calculated the pay-off would be approximately \$1,100,000.
- In 2001, the partnership has made a new proposal relative to the amounts owed the City. The partnership is proposing to continue making monthly payments of \$6,885.71 on the \$1,250,000 loan and begin making monthly payments of \$2,684.70 in November 2001 to amortize the \$250,000 loan. Both loans would be fully paid in the summer of 2013.
- The partnership has further suggested that if the City insists on one-half of the market value, the outstanding loans should be deducted from the amount owed.
- The partnership is current on both taxes and monthly payments on the \$1,250,000 loan.
- The partnership paid cashflow of \$35,293 to the City in July 2001. This amount was intended to cover FY96 through FY2000.
- The partnership has not used operating surpluses to reduce the outstanding principal.
- No payments to Carolyn Morgan have been made since 1994. The note has a current balance of \$21,275.

- Using the revaluation as a proxy for market value, the current value is \$1,359,000.

Financial Statements

- The City has received copies of financial statements for the years 1996-2000.
- The statements are compilations only and presented on a tax basis.
- The statements indicate that on December 31, 1996, the capital reserve was funded at \$59,113. At December 31, 2000, the capital reserve had grown to \$260,556.
- The statements indicated that on December 31, 1995, the partnership had \$75,233 in cash of which \$9,573 represented security deposits. The December 31, 2000 balance was \$339,060 of which \$17,705 represented security deposits.
- At December 31, 2000, the partner's accumulated deficit is \$886,845.
- At December 31, 2000, accumulated depreciation equals \$1,727,996 or 95% of property book value.

Tax issues

- At the September 7, 2001 meeting, Peter Morgan stated that now that the project is turning a profit, the partners are making tax payments although they are not making any withdrawals from the partnership.
- The financial statements are reflective of the tax status of the partners. The accumulated deficit has been taken as a tax loss. At even a 30% tax bracket, the partners have received tax savings of roughly \$266,000. Most of this is related to the depreciation on the assets that were paid for from the City's loan.

Recommendation

- The partnership should remit one-half of the December 31, 2000 cash balance, net of security deposits and \$60,000 for a capital reserve fund, to the City representing past due interest on the \$250,000 portion of the loan. This payment would be \$130,677.
- Alternatively, this cash could be used to reduce principal based on the 1995 amendment.
- In the short term, the partnership should maintain the capital reserve at a \$60,000 limit. An independent analysis should be conducted to determine the proper amount going forward.
- One-half of the 2001 cash flow and all subsequent cash flows, net security deposits and deposits or withdrawals to the capital reserve fund, should be remitted to the City.
- The partnership does not have adequate cash to meet the buy-out requirement. The City should allow the partnership the option of amortizing one-half of the market value. The amortization may be over an extended period at a market rate of interest. The partners have recommended twelve years at 7.5%. The partnership may not have sufficient cash flow to meet this type of payment (approximately \$7,250 / month based on current value). A longer term with a lower rate most likely would be required.

- If the partners wish to escalate the buy-out, the City should allow the partners the option. This would allow the partnership to reduce the interest paid from one-half cash flow to a more predictable amount based on the market value of the property, the interest rate and the amortization period. This also would allow the partnership to lock-in the buildings value and avoid future escalation.
- The buy-out amount should not be adjusted for the outstanding debt. The partners extended the term unilaterally. It is clear that the debt was to be fully paid at the time of the buy-out and, therefore, the outstanding balance should not be considered.
- The Carolyn Morgan note remains subordinate to the City obligations.

ACORD™ EVIDENCE OF PROPERTY INSURANCE

DATE (MM/DD/YY)

05/31/07

THIS IS EVIDENCE THAT INSURANCE AS IDENTIFIED BELOW HAS BEEN ISSUED, IS IN FORCE, AND CONVEYS ALL THE RIGHTS AND PRIVILEGES AFFORDED UNDER THE POLICY.

PRODUCER USI New England PO Box 6360 Manchester, NH 03108		PHONE (A/C, No, Ext): 603 625-1100		COMPANY Vermont Mutual PO Box 188 Montpelier, VT 05602	
CODE: AGENCY CUSTOMER ID #: 22152		SUB CODE:			
INSURED Lowell Terrace Associates 70 Lowell Street Manchester, NH 03101		LOAN NUMBER		POLICY NUMBER BP17020511	
		EFFECTIVE DATE 05/18/07		EXPIRATION DATE 05/18/08	
				<input type="checkbox"/> CONTINUED UNTIL TERMINATED IF CHECKED	
THIS REPLACES PRIOR EVIDENCE DATED:					

PROPERTY INFORMATION

LOCATION/DESCRIPTION
 70-80 Lowell St.
 Manchester, NH 03101

COVERAGE INFORMATION

COVERAGE/PERILS/FORMS	AMOUNT OF INSURANCE	DEDUCTIBLE
Building #: 1 Sixty Three Unit Apt Coverage: Building Cause: Special (Including Theft)	\$3,047,500	\$1,000

REMARKS (Including Special Conditions)**CANCELLATION**

THE POLICY IS SUBJECT TO THE PREMIUMS, FORMS, AND RULES IN EFFECT FOR EACH POLICY PERIOD. SHOULD THE POLICY BE TERMINATED, THE COMPANY WILL GIVE THE ADDITIONAL INTEREST IDENTIFIED BELOW 10 DAYS WRITTEN NOTICE, AND WILL SEND NOTIFICATION OF ANY CHANGES TO THE POLICY THAT WOULD AFFECT THAT INTEREST, IN ACCORDANCE WITH THE POLICY PROVISIONS OR AS REQUIRED BY LAW.

ADDITIONAL INTEREST

NAME AND ADDRESS
 City of Manchester
 1 City Hall Plaza
 Manchester, NH 03101

☒ MORTGAGEE
☐ LOSS PAYEE
☐ ADDITIONAL INSURED

LOAN #

AUTHORIZED REPRESENTATIVE

15



**City of Manchester
Department of Finance**

One City Hall Plaza
Manchester, New Hampshire 03101
Phone: (603) 624-6460
Fax: (603) 624-6549

July 10, 2007

Honorable Board of Mayor and Aldermen
C/o Leo Bernier, City Clerk
One City Hall plaza
Manchester, NH 03101

Dear Honorable Board:

This letter serves to advise that we have not yet received the building level financial information for Lowell Terrace. We have informed Mr. Morgan that this information has been requested by the Aldermen. Mr. Morgan has advised that the information will be forthcoming but we have yet to receive it. Failure to provide this information is a violation of section 9 of the Mortgage & Security Agreement.

Respectfully submitted,

William E. Sanders
Finance Officer

Cc: Thomas R. Clark, City Solicitor

To: Board of Mayor and Alderman

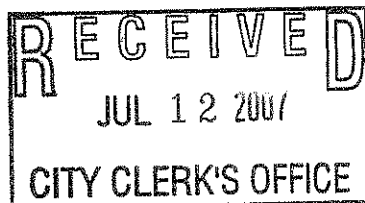
From: Bill Sanders

Date: July 12, 2007

Subject: Lowell Street Operating Statements

As requested, attached are building level operating statements for Lowell Terrace for the years 2004 through 2006 provided by Mr. Peter Morgan.

Cc; Tom Clark



Lowell Terrace
Building Operating Statements
For the years ended December 31, 2006, 2005 & 2004

	<u>2006</u>	<u>2005</u>	<u>2004</u>
REVENUE			
Rental Income	\$ 267,603	\$ 274,258	\$ 298,067
Other Income	2,231	2,174	2,663
TOTAL REVENUE	<u>\$ 269,834</u>	<u>\$ 276,432</u>	<u>\$ 300,730</u>
OPERATING EXPENSES			
Real Estate Taxes	\$ 38,300	\$ 35,614	\$ 29,346
Gas	34,893	25,623	28,602
Repairs & Maintenance	22,640	13,073	12,396
Management Fees	20,604	18,449	20,866
Interest	15,882	29,852	50,121
Electricity	12,116	10,046	10,497
Insurance	10,038	9,540	9,019
Water & Sewer	9,303	11,758	11,384
Accounting Fees	9,261	3,075	3,255
Janitorial Services	6,351	8,861	7,121
Exterminator	4,305	2,600	1,728
Depreciation	4,068	4,058	12,228
Supplies	3,883	3,171	2,411
Fire Alarm	2,680	2,659	2,832
Waste Disposal	2,160	2,160	2,160
Licenses and Fees	1,315		70
Bank Charges	1,279	1,480	1,754
General Partner Fees	1,200	1,200	1,200
Legal Fees	1,156		4,434
Appliances	898		
Central Business District Tax	828	804	1,656
Rental Equipment	571		
Grounds Maintenance	475	1,620	850
Advertising	461	752	622
Telephone	375	317	374
Entertainment	240	67	325
Rental Incentive Plan Fee	100		
Foreign Tax Expense	38	13	13
Amortization		2,250	2,250
TOTAL OPERATING EXPENSES	<u>\$ 205,420</u>	<u>\$ 189,042</u>	<u>\$ 217,514</u>
Income From Building Operations	<u>\$ 64,414</u>	<u>\$ 87,390</u>	<u>\$ 83,216</u>

To the Board of Mayor and Aldermen of the City of Manchester:

The Majority of the Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)

IN BOARD OF MAYOR & ALDERMEN

DATE: June 5, 2007

ON MOTION OF AID. Lopez

SECONDED BY AID. Forest

VOTED TO table.

Paul Bernier
CITY CLERK

Respectfully submitted,

[Signature]
Clerk of Committee
[Signature]

City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot, and being more particularly bounded and described as follows:

Beginning at a point on the centerline of Parkview Street, said point being on the zone boundary line between the B-2 (General Business) zone district and the R-1B (Residential One Family) zone district, and being approximately 115 ft. easterly of the centerline of South Lincoln Street, prior to this amendment;

Thence, easterly along the centerline of Parkview Street, for a distance of approximately 130 ft. to a point;

Thence, southerly along the property line of TM 381/47, and TM 381/46, extended, for a distance of approximately 162 ft. to a point;

Thence, westerly along the property line of TM 381/47, and TM 381/49 for a distance of approximately 30 ft. to a point;

Thence, northwesterly along the zone boundary line between the B-2 (General Business) zone district and the R-1B (Residential One Family) zone district, prior to this amendment, a distance of approximately 190 ft., to a point, said point being the point of beginning.

Said description to include a portion of TM 381/47 consisting of approximately 10,280 square feet of private land, to be rezoned from R-1B (Residential One Family) to B-2 (General Business) zone district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.

12

Craig, Deachman & Gowie, PLLC

ATTORNEYS AT LAW
Since 1929

84 Bay Street
Manchester NH 03104
Phone 603•669•3970
Phone 603•665•9111
Fax 603•296•2289

William H. Craig
James W. Craig
W. John Deachman
Marc van Zanten

April 17, 2007

Leo R. Bernier, Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

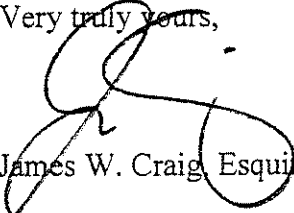
Re: Frederick H. Nixon, Jr.
466 So. Willow Street, Manchester, New Hampshire

Dear Mr. Bernier:

Enclosed herein please find an original Proposed Zoning Amendment which we are filing on behalf of Mr. Nixon regarding the above-referenced matter. Please also find enclosed our check in the amount of \$300.00 to cover filing fees for same.

Thank you for your attention to this matter.

Very truly yours,


James W. Craig, Esquire

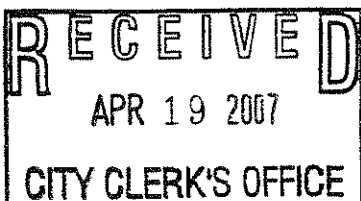
JWC/jlb
Enclosure

cc: Frederick H. Nixon, Jr.

May 15, 2007.
In Board of Mayor and Aldermen.

On motion of Alderman Smith, duly seconded by Alderman Thibault, it was voted to refer to the Cmte. on Bills on Second Reading and refer to public hearing on June 4, 2007 at 6:30 PM.


City Clerk



THE H.H. RICHARDSON BUILDING
16

BOARD OF ADJUSTMENT

CITY OF MANCHESTER, NH

IN RE: 466 SO. WILLOW STREET, MANCHESTER, NH

PROPOSED ZONING AMENDMENT

OWNER: Frederick H. Nixon, Jr.

1. Property Description

The property at issue is located at 466 So. Willow Street in Manchester, New Hampshire. It is Map 381, Lot 47 on the Manchester Tax Map (TAB A) located at the intersection of So. Lincoln Street at Parkview Street. It is currently leased to Autotrium of 1313 Hooksett Road, Hooksett, New Hampshire. The entire lot is used as a car dealership.

2. Statement of Purpose

The Nixon lot has been used for years as an automobile dealership. The front portion of the lot, closest to So. Willow Street, is zoned B-2 (General Business District) which is a permitted use. The rear of the lot (in yellow) (TAB B) is zoned R-1B (Neighborhood) in which the use is not permitted. It is the intention of this proposal to have the City of Manchester extend the B-2 Zone to include all of Tax Map 381, Lot 47. We have also attached a Proposed site Plan for your information. (TAB C).

3. Property Tax Map

The property Tax Map indicates the Nixon Lot (381-47) and demonstrates how the lot is bisected by the current zoning layout.

4. Impact of Proposed Amendment

The Nixon lot has been used as an auto dealership since the 1960's. Since that time South Willow Street has developed into the premier retail/wholesale area in the City. The Nixon lot fronts upon So. Willow Street. Hertz Rental abuts the lot. Directly across So. Willow Street are commercial uses such as Dynatune Batteries Plus, Payday and U-Haul. Directly off of So. Willow Street and behind the Nixon lot are residential neighborhoods on Parkview Street and Doris Street. This is a classic case where commercial uses abut residential neighborhoods but since this has been the case since the 1960's and there will be no change in use, there should be no impact on existing adjacent neighborhoods.

5. Impact on City

Since this is a minor change in the zoning ordinance and since it is being requested to accommodate a long existing use, there should be no impact upon the City's economy, environment, municipal services or facilities.

6. Abutters

See attached list

7. Fee attached

\$300.00 Enclosed.

LIST OF ABUTTERS

446 So. Willow Street – Bradford Oil Co., Inc. – Lot 437-3
469 So. Willow Street – Charles Zoulas – Lot 437-1L, 1K
476 So. Willow Street – Theodore Katsarakes – Lot 381-48
428 So. Willow Street – Donald W. York – Lot 381-21
264 So. Lincoln Street – Dora Hitchen – Lot 381-33
24 Parkview Street – Thomas Stanley, Jr. – Lot 381-34
34 Parkview Street – Phyllis P. Kline – Lot 381-35
42 Parkview Street – Richard K. Provencher – Lot 381-36
41 Parkview Street - Jennifer L. Jones – Lot 381-46
24 Doris Street – Victoria Engheben – Lot 381-49



NOTES

1. Present site information was taken from a plan of the property as recorded in the Department prepared by John H. Brown, Architect for Nison Auto Sales, Inc. Dated 10-2-66
2. The Zoning line location on this plan was determined utilizing the plan recorded in the Department of Planning and Zoning, dated 10-2-66, and the Manchester Planning Dept's Zoning maps.
3. Property Owner: Nison Auto Sales, Inc.
4. Property Use: Auto-Torium - Automobile Sales

Plant 2" diameter by 6' high Arborvitae trees 6' on center in alternating rows to screen the property

10' wide Landscape Buffer

138.15'

Approximately 50'

Snow Storage

Customer Parking

Existing Shed on Blocks

Light Pole

Existing Zone Line

Zone B-2

Zone R-1B

Paved Parking

Existing Single Story Building 38'-8" x 28'

Drive down under building

Wood Deck

70' Setback

Pole

210.48'

LEGEND

1	DRIVE	2	WATER LINE
3	SEWER	4	GAS LINE
5	TELEPHONE	6	NEW LINE
7	EXISTING	8	PROPOSED
9	WATER VALVE	10	PROPOSED SERVICE VALVE
11	WATER METER	12	DRIVE LINE (TYP)
13	GAS VALVE	14	UTILITY POLE
15	POLE	16	POLE

PROPOSED SITE PLAN

AUTO-TORIUM
486 SOUTH WILLOW ST.
MANCHESTER, NEW HAMPSHIRE

Amoskeag Falls Management Corporation
70 Box 127 1650 Elm Street - Suite 201
Manchester, New Hampshire 03105 (603) 628-4311

DATE: APRIL 10, 2000	SHEET NO.
Scale: 1" = 10'	PROJECT
DRAWN BY:	CHECKED BY:
BY:	DATE:

1

Civil Engineer
Brian Leonard, P.E.



Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

May 11, 2007

Mr. Leo Bernier
City Clerk
One City Hall Plaza
Manchester, NH 03101

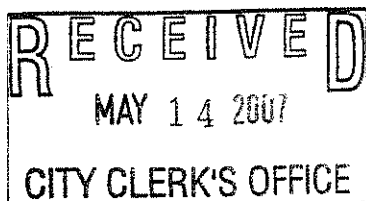
Re: Technical Review for Rezoning Petition – 466 South Willow Street

Dear Mr. Bernier:

In accordance with the policy on rezoning requests, the following information is provided in consideration of a rezoning request filed by the owner's counsel for property at 466 South Willow Street, known as Tax Map 381/Lot 47. The subject parcel is located on the southeasterly corner of South Willow Street and Parkview Street. The front portion of the lot is zoned *General Business (B-2)*, while the rear portion is zoned *Residential (R-1B)*. The applicant is requesting that the rear portion of the site be rezoned to *B-2*, consistent with the front portion of the site.

The entire parcel is approximately 32,700 SF, with more than half of the parcel in the *B-2* zoning district. The parcel has been used as an auto dealership since the 1960's, although the use of the rear portion of the site has been limited because it is zoned residential, not business. While the front portion of the site is adjacent to, and across from, business and industrial uses, the rear portion of the site proposed for rezoning abuts residences on both Parkview Street and Doris Street.

While the future land use map of the 1993 Master Plan for the City of Manchester indicates residentially zoned parcels on the easterly side of South Willow, southerly towards the area of Jobin Drive, many of these parcels are now developed with commercial uses either through variance action or rezoning. As with all rezoning requests that propose the extension of a commercial zone further into a residential zone, the issue that needs to be addressed is the impact of additional commercial activity on the adjacent residential parcels.



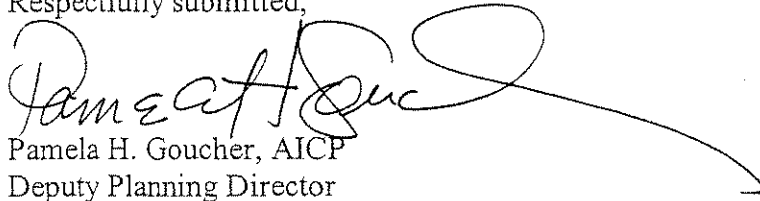
16

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov

From a technical perspective, the petition to rezone the rear portion of the parcel at 466 South Willow Street may be forwarded to the Board of Mayor and Aldermen for their consideration and for a public hearing. Consistent with the policy for rezoning petitions, I am forwarding a copy of this report and the petition to the Planning Board, the Building Department and the Office of the City Solicitor for their comment.

The Planning Director or I will be available to answer any questions that the Board may have.

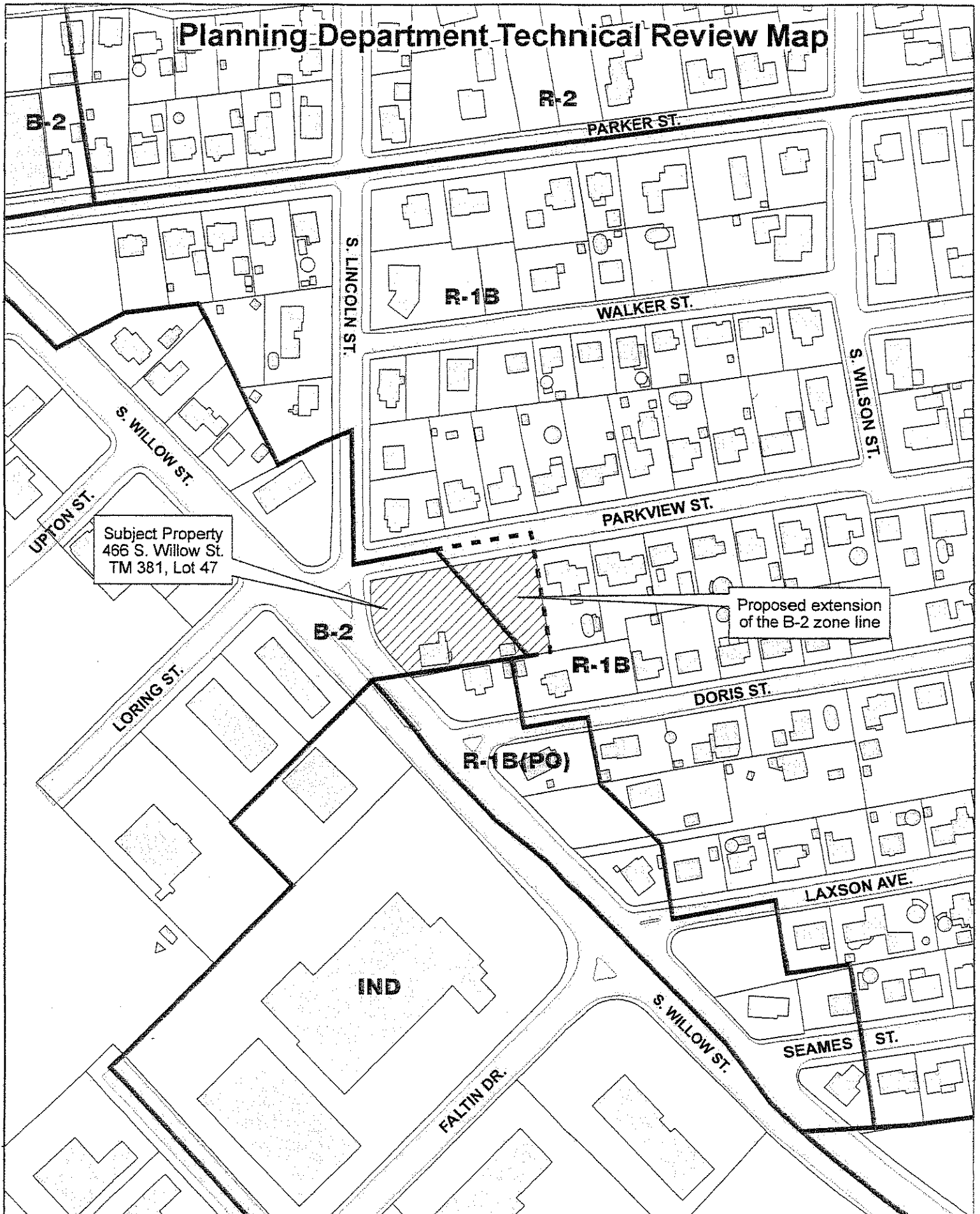
Respectfully submitted,



Pamela H. Goucher, AICP
Deputy Planning Director

C: Planning Board
Building Department
Office of the City Solicitor

Planning Department Technical Review Map



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Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

May 30, 2007

Mr. Leo Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: *Planning Board Comments on rezoning requests: 116 South Main Street; 316 & 322 South Main Street and 466 South Willow Street*

Dear Mr. Bernier:

In accordance with the procedures on rezoning requests, the Planning Board has reviewed the above three rezoning requests and would like to offer the following comments:

116 South Main Street: The Planning Board, while recognizing that the property is split by the zoning boundary had some concerns about the potential impact of business activities on the backyards of residential properties on Walker Street (and perhaps the adjacent Piscataquog Trail). The Board would suggest that should the Board of Mayor and Aldermen wish to approve this request, that either the proposed Business zoning line be pulled back 25 feet from the residential properties on Walker Street or the BMA require the project to come to the Planning Board for site plan review so that an appropriate buffer and screening be implemented.

316 & 322 South Main Street: The Planning Board believes that these lots may be more appropriately zoned B-1 as requested. They also believed that the Board of Mayor and Aldermen may, at some point, want to consider rezoning the entire section of South Main Street from these properties down to Woodbury Avenue.

466 South Willow Street: The Planning Board again recognizes that the zone line crosses the property and makes a portion of the lot unusable. They did question the possible impact on adjacent residential properties, however. As in 116 South Main Street, the Planning Board suggests that should the Board of Mayor and Aldermen wish to approve this request, the BMA require the project to come to the Planning Board for site plan review so that an appropriate buffer and screening be implemented to protect the adjacent residential properties.

I will be available at your next meeting if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R. MacKenzie".

Robert S. MacKenzie, AICP
Director of Planning and Community Development

C: Planning Board Chairman

One City Hall Plaza, Manchester, New Hampshire 03101

Phone: (603) 624-6450 Fax: (603) 624-6529

E-mail: planning@ManchesterNH.gov

www.ManchesterNH.gov

16



CITY OF MANCHESTER

Board of Aldermen



June 5, 2007

The Honorable Jerome Duval, Chairman
Committee on Bills on Second Reading
One City Hall Plaza
Manchester, NH 03101

Re: "Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot."

Dear Mr. Chairman and Committee Members:

Based on the history and testimony from neighbors in the area at last evening's rezoning public hearing regarding the above petition I wish to note to following for the Committee's consideration.

This particular property has been a source of neighborhood complaints for many, many years. It would be my recommendation that improvements be made to the lot as it should have been many years ago! Once such improvements have been made we will be able to get feedback from the neighborhood residents. But, at this time considering the emotional testimony presented last evening let's not further destroy the quality of life in the neighborhood.

As their Aldermanic representative I, therefore, would strongly **recommend denial** of this petition for rezoning at this current time. Your favorable consideration of my request is greatly appreciated.

Sincerely,

Michael D. Garrity
Alderman - Ward 9

To the Board of Mayor and Aldermen of the City of Manchester:

The undersigned, being in the minority vote of the Committee on Bills on Second Reading respectfully recommend, after due and careful consideration, that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

Respectfully submitted,


Alderman Mike Lopez

IN BOARD OF MAYOR & ALDERMEN

DATE: June 5, 2007

ON MOTION OF ALD. Lopez

SECONDED BY ALD. Forest

VOTED TO table.


CITY CLERK

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that it has approved the reclassification of the Legislative Assistant (Grade 16) position in the Highway Department to Purchasing Assistant (Grade 12) and for such purpose recommends that the related ordinance be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote with the exception of Alderman Garrity who was absent.)

IN BOARD OF MAYOR & ALDERMEN

DATE: November 7, 2007

ON MOTION OF ALD. Garrity

SECONDED BY ALD. O'Neil

VOTED TO table.

Respectfully submitted,

L. A. Bernier

Clerk of Committee

Ann H. Kang
CITY CLERK
Rep. Dr.

City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

"Amending Sections 33.024, 33.025, & 33.026 (Purchasing Assistant) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.024 CLASSIFICATION OF POSITIONS be amended as follows:

Establish Purchasing Assistant, Class Code 1121

SECTION 33.025 COMPENSATION OF POSITIONS be amended as follows:

Establish Purchasing Assistant, Class Code 1121, Grade 12

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows

Establish Purchasing Assistant, Class Code 1121, Grade 12 non-exempt
(Class Spec. attached)

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



City of Manchester, New Hampshire

Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Legislative Assistant
Class Code Number	1205

General Statement of Duties

Performs administrative support to the areas of legislative process, documents, policies and procedures and for city clerk operations; performs directly related work as required.

Distinguishing Features of the Class

The principal function of an employee in this class is to provide clerical support in the area of technical documents, legislative requirements, policies and procedures in the administration of city clerk functions.. The work is performed under the supervision and direction of the City Clerk or Deputy City Clerk but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, the Board of Mayor and Aldermen, business and community organizations and the public. The principal duties of this class are performed in a general office environment.

Examples of Essential Work (illustrative only)

- Oversees special projects for the Department, including grant writing, administration of campaign reporting, and special events such as inaugurations and City Hall functions;
- Prepares legislation and review codification updates;
- Oversees coordination of and/or prepares policies and procedures manuals and related materials for departmental operations;

- Transcribes and prepares letters, minutes, reports, statements, grant applications, specifications, contracts, memoranda, notices, resolutions, budgets, presentations, and other related materials, including confidential correspondences and reports;
- Represents City Clerk or Deputy City Clerk in connection with other governmental agencies or associations in areas of work assigned;
- Attends meetings of the Board of Mayor and Aldermen or its committees as directed including note-taking and procedural advising to members when addressed;
- Provides technical support and oversight of election duties as requested;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Keeps immediate supervisor and designated other fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

Required Knowledge, Skills and Abilities
(at time of appointment)

- Substantial knowledge of current principles and practices associated with legislative process;
- Thorough knowledge of modern office procedures, practices and equipment;
- Thorough knowledge of modern office filing systems and procedures;
- Some knowledge of public administration and municipal government activities relating to departmental operations;
- Ability to train, evaluate and coordinate the work of others;
- Ability to prepare and review legislative documents;
- Ability in writing to prepare correspondences according to standard business practices;
- Ability to accurately type correspondences, reports and memoranda;
- Ability to learn City policies and Departmental rules, procedures, practices and objectives;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;
- Ability to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;

- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from an accredited college or university with an Associate's Degree in Public Administration, Business Administration or closely related field; and
- Considerable experience in general office operations with utilization of a variety of computer applications; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

- None.

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to review a wide variety of materials in electronic or hardcopy form;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate a personal computer, telephone and related equipment;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to function within the general office environment.

Approved by: BMA Date: 1/2/01

DRAFT

City of Manchester, New Hampshire

Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Purchasing Assistant
Class Code Number	1121

General Statement of Duties

To assist Purchasing Agent in the procurement of goods and services; performs related work as required.

Distinguishing Features of the Class

The principal function of an employee in this class is to work under the direct supervision of the Purchasing Agent or other designated personnel to assist in the purchasing processes pursuant to Municipal Code and related guidelines. Some leeway is granted for the exercise of independent judgment and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, outside vendors and the public. The principle duties of this class are performed in a general office environment.

Examples of Essential Work (illustrative only)

- Checks purchase requisitions and confers with department employees concerning procurement problems;
- Reviews and approves purchase requisitions for goods and services;
- Generates purchase orders as needed and required;
- Generates credit purchase orders;
- Requests, compiles and prepares correspondence for vendors and bid process;
- Maintains and updates vendor and data files;

- Completes purchase requisition forms and prepares correspondence for vendors and bid process;
- Requisitions supplies and materials for Department as requested, applying City guidelines and policies;
- Obtains telephone and internet quotations for use in purchasing supplies, materials, equipment and services;
- P-Cards – incumbent is required to match up receipts with what is in the system, enters item description, account line item, work order, job number, etc., into HTE;
- Maintains Toter inventory and database;
- Inputs monthly gasoline transactions;
- Schedules vehicle inspections;
- Compiles data, assembles using spreadsheets or related computer applications and publishes reports as requested;
- Answers inquiries/questions from City Departments regarding existing purchasing procedures;
- Writes reports as required;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

Required Knowledge, Skills and Abilities
(at time of appointment)

- Knowledge of current public sector purchasing practices, State laws and City Ordinances;
- Knowledge of business methods, markets and purchasing practices;
- Knowledge of various grades and qualities of a variety of materials, supplies and equipment used by various departments;
- Knowledge of standard office procedures, practices and equipment;
- Ability to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to prepare and present accurate and reliable reports containing findings and recommendations;
- Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;

- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from high school or G.E.D equivalent; and
- Three years of experience associated with purchasing activities; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

- None.

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to monitor assigned areas;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate a vehicle;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to all areas of the City.

Approved by: _____ Date: _____



CITY OF MANCHESTER

Human Resources Department

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September 12, 2007

Alderman Ted Gatsas, Chairman
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

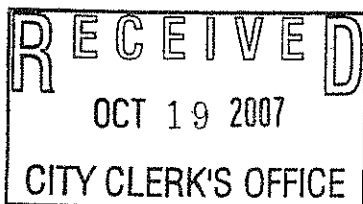
Re: Request for Reclassification

Dear Alderman Gatsas and Members of the Committee:

Last winter a position was reassigned from the City Clerk's Office to the Highway Department. The position, Legislative Assistant, was assigned to work with the centralized purchasing program in the Highway Department under the direct supervision of the Purchasing Agent.

The duties that are assigned to a Legislative Assistant are significantly different than those that are needed to work with the Purchasing Agent. Therefore, we decided to wait six or seven months to determine what the proper job title and salary grade should be for the Purchasing Assistant function. We have now concluded a position review and have determined that the Legislative Assistant position, salary grade 16, should be reclassified to a new title of Purchasing Assistant, salary grade 12.

I am attaching a proposed class specification for your review and information. The class specification has been reviewed and revised by the Purchasing Agent and her manager at the Highway Department. As you will note, the general statement of duties for the Purchasing Assistant are to assist the Purchasing Agent in the procurement of goods and services. This position works under the direct supervision of the Purchasing Agent or other designated person to assist in the purchasing processes pursuant to Municipal Codes and related guidelines. Some examples of work are to check purchase requisitions, review and approve purchase requisitions for goods and services, generate purchase orders as needed, maintains and updates files, etc. etc. As you can see, the level of the duties are those of a clerical support person. The level of responsibility for these duties is consistent with other class specification that are at a salary grade 12.



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September 12, 2007

Pursuant to Ordinance 33.046 (G), Entrance Pay Rates, the incumbent of this position should go from an annual salary of \$42,536 to \$33,412. Rather than reducing her pay, I would recommend that her salary be frozen until such time as her current salary is equivalent to the Purchasing Assistant salary grade. Therefore, she would not be eligible for any merit or longevity increases until step 9 of salary grade 12 is equal to \$42,536.

I would be happy to answer any questions that you might have. I am attaching a copy of the proposed class specification for Purchasing Assistant as well as Legislative Assistant.

Your favorable approval of this reclassification would be greatly appreciated.

Respectfully submitted,



Virginia A. Lamberton
Human Resources Director

Cc: Frank Thomas, P.E., Director